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RAPPORT

dwar il-promozzjoni u l-protezzjoni ta' l-interessi tal-konsumaturi fl-Istati
Membri l-godda
(2004/2157(INI))

Kumitat ghas-Suq Intern u l-Harsien tal-Konsumatur

Rapporteur: Henrik Dam Kristensen

PR_INI

WERREJ

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MOZZJONI GHAL RIŻOLUZZJONI TAL-PARLAMENT EWROPEW•

NOTA SPJEGATTIVA•

PROCĊEDURA•

MOZZJONI GĦAL RIŻOLUZZJONI TAL-PARLAMENT EWROPEW

**dwar il-promozzjoni u l-protezzjoni ta' l-interessi tal-konsumaturi fl-Istati Membri l-godda
(2004/2157(INI))**

Il-Parlament Ewropew,

- wara li kkunsidra r-Regola 45 tar-Regoli ta' Proċedura tiegħu,
 - wara li kkunsidra r-rapport tal-Kumitat għas-Suq Intern u l-Harsien tal-Konsumatur (A6-0378/2005),
- A. billi livell għoli ta' ħarsien għal konsumatur u ta' kunfidenza fil-konsumatur huwa kundizzjoni minn qabel għat-tħaddim xieraq tas-suq intern,
- B. billi s-suq intern ipprovda benefiċċji tangibbli għal konsumaturi fl-UE permezz ta' tnaqqis fil-prezzijiet u ta' għażla aktar wiesgħa,
- C. billi l-UE għandha għaxar Stati Membri godda li f'dawn l-Istati l-protezzjoni tal-konsumatur hija xi ħaġa għda,
1. Jinnota b'sodisfazzjon li, b'mod ġenerali, il-protezzjoni tal-konsumatur fl-għaxar Stati Membri godda żviluppat b'mod pożittiv u għolliet l-istandards, iżda baqa' aktar xi jsir;
 2. Jinsisti li s-suq intern ma jaħdimx b'mod xieraq f'każ li l-konsumaturi jkunu inqas protetti f'xi Stati Membri milli f'oħrajn; b'hekk ifakkar li livell għoli komuni ta' protezzjoni tal-konsumatur fl-Istati Membri jippromwovi tranzazzjonijiet transkonfinali u jiżgura li l-konsumaturi jieħdu vantaġġ mis-suq intern;
 3. Ifakkar ukoll fl-importanza ta' l-Artikolu 153 tat-Trattat, li jippermetti l-Istati Membri biex iżommu jew biex jintroduċu miżuri aktar stretti u protettivi;
 4. Jitlob lill-Kummissjoni biex twettaq eżerċizzju ta' kontroll biex tanalizza fid-dettall l-istrutturi ta' l-organizzazzjonijiet tal-konsumatur u l-politika dwar il-konsumatur fl-Istati Membri l-godda;

Qafas leġiżlattiv

5. Jilqa' l-hidma xierqa ta' l-Istati Membri godda fir-rigward tat-traspożizzjoni ta' l-*acquis communautaire*; iżda jenfasizza li fil-prattika l-leġiżlazzjoni tal-Komunità trid tkun applikata b'mod effettiv kif ukoll infurzata; jitlob lill-gvernijiet ta' l-Istati Membri godda biex janalizzaw l-istrumenti u l-metodi disponibbli kollha sabiex jidentifikaw mezzi li bihom il-leġiżlazzjoni dwar il-konsumatur tista' tkun applikata b'mod effettiv u infurzata fil-prattika;
6. Jitlob għat-tishih ta' l-istrutturi ta' sorveljanza tas-suq fl-Istati Membri godda sabiex prodotti u servizzi kummerċjalizzati fis-swieq tagħhom jilhqqu standards ta' sikurezza għolja u kwalunkwe prodott difettuż jew perikoluż jitneħħa fil-pront mis-suq;

7. Jirrimarka li konsumaturi li huma tfal m'humiex protetti b'mod xieraq kontra prodotti li jistgħu jikkawżaw ħsara għal saħħithom u għal benessri tagħhom; jitlob lill-Istati Membri u lill-Kummissjoni biex jiffukaw b'mod partikulari fuq it-tiżiħ tal-protezzjoni tal-konsumatur fil-każ ta' tfal u ta' gruppi vulnerabbli oħrajn;
8. Jitlob lill-Kummissjoni biex tgħin fit-titjib tat-twettiq ta', u l-koordinazzjoni bejn, il-korpi superviżorji fl-Istati Membri l-godda, inkluża l-koperazzjoni reċiproka transkonfinali bejniethom;
9. Jilqa' l-proposta tal-Kummissjoni biex tirrevedi, timmodernizza u tissimplifika l-acquis attwali dwar il-konsumatur, li jista' jkun importanti fil-proċess ta' l-implimentar tal-leġiżlazzjoni Ewropea dwar il-konsumatur u jagħmilha aktar faċli għal konsumaturi fl-Ewropa biex jeżerċitaw id-drittijiet tagħhom b'mod aktar effettiv, anke tul il-fruntieri;
10. Jenfasizza li t-traspożizzjoni tal-leġiżlazzjoni tal-komunità ma twassalx b'mod awtomatiku għall-implimentazzjoni u li, sabiex l-implimentazzjoni tkun ta' suċċess il-konsumaturi għandhom bżonn ikunu jafu d-drittijiet tagħhom u jkunu lesti u jistgħu jieħdu azzjoni bħala "konsumaturi politiċi";
11. Jilqa' l-proposta tal-Kummissjoni biex tiżviluppa u taggorna l-bażi tat-tagħrif xjentifiku u l-għodod ta' l-analiżi dwar l-espożizzjoni tal-konsumatur għal sustanzi kimiċi, anke b'rispett għas-sikurezza generali tal-prodott, u biex tikkontribwixxi għall-applikazzjoni tar-regolament REACH;

Kultura tal-konsumatur

12. Jenfasizza li l-ħolqien ta' "kultura tal-konsumatur" ibbazata fuq livell oghla ta' għarfien huwa essenzjali għal infurzar aħjar u għal aplikazzjoni tal-qafas legali attwali u jimmarka l-irwol essenzjali li għandhom l-organizzazzjonijiet tal-konsumatur, l-awtoritajiet għall-protezzjoni tal-konsumatur u l-organizzazzjonijiet tan-negozju fit-tiżiħ ta' din il-kultura tal-konsumatur;
13. Jagħraf il-fatt li l-għarfien dwar il-konsumatur huwa baxx b'mod sinifikattiv fl-Istati Membri l-godda, fejn il-libertà ta' l-espressjoni u l-libertà ta' l-assoċjazzjoni kienu mxekkla għal snin shaħ; jimmarka li biex tiżviluppa "kultura tal-konsumatur", l-għarfien tal-konsumaturi rigward id-drittijiet tagħhom irid jizdied b'mod sistematiku u fl-istess waqt irid ikun aktar faċli għalihom biex jeżerċitaw dawn id-drittijiet b'mod sinifikattiv; għalhekk, jitlob lill-Kummissjoni biex tfassal strateġija speċifika biex tinkoraġġixxi l-iżvilupp ta' kultura tal-konsumatur fl-Istati Membri l-godda;

Organizzazzjonijiet tal-konsumatur

14. Jitlob lill-Kummissjoni biex tanalizza l-possibiltà li tiddefinixxi l-parametri fil-livell tal-Komunità dwar xi tfisser "organizzazzjoni jew assoċjazzjoni li tirrappreżenta l-konsumatur", biex tiżgura li l-konsumaturi fl-UE huma rappreżentati b'mod xieraq u indipendenti;
15. Jitlob lill-Istati Membri l-qodma biex ikomplu bl-impenn tagħhom biex jappoġġjaw l-organizzazzjonijiet tal-konsumatur;

16. Jinnota li bosta organizzazzjonijiet tal-konsumatur attwali fl-Istati Membri l-godda jaħdmu prinċipalment b'voluntiera u li bosta drabi ma jkollhomx riżorsi finanzjarji; għalhekk jitlob lill-Istati Membri l-godda biex jiżguraw li l-organizzazzjonijiet tal-konsumatur, li huma rappreżentattivi, ikunu ffinanzjati b'mod xieraq, filwaqt li tinzamm l-indipendenza tagħhom;
17. Jimmarka li fl-Istati Membri l-godda, b'mod ġenerali, jkun il-każ li organizzazzjonijiet mhux governattivi u li ma jagħmlux profitt m'għandhomx il-kapital meħtieġ tagħhom, li l-ġbir ta' fondi mhux żviluppaw b'mod adattat u li l-konsumaturi nfushom m'humiex lesti biex jikkontribwixxu minn flushom stess għall-organizzazzjonijiet tal-konsumatur minhabba l-ħsieb dejjiemi li l-istat biss huwa responsabbli milli jipproteġi l-konsumaturi;
18. Jinnota li r-rekwiżiti stipulati mill-Kummissjoni għall-akkwist ta' appoġġ permezz ta' għotja huma stretti u diffiċli biex jintlaħqu fil-każ ta' l-organizzazzjonijiet tal-konsumatur fl-Istati Membri l-godda, minhabba l-isfond professjonali ta' l-istaff tagħhom u l-problemi ta' l-iffinanzjar li spiss ixekkluhom milli jiġġeneraw ir-riżorsi tagħhom meħtieġa biex jagħtu l-kontribuzzjoni finanzjarja mitluba; għalhekk jitlob lill-Kummissjoni biex teżamina jekk dawn ir-rekwiżiti għandhomx isiru aktar flessibbli, anke dwar jekk ix-xogħol tal-voluntiera jkun jista' jitqies bħala parti mill-kontribuzzjoni finanzjarja;
19. Jenfasizza li l-organizzazzjonijiet tal-konsumatur indipendenti u b'saħħithom jipprovdu l-bażi għal politika effettiva dwar il-konsumatur; għalhekk jitlob lill-organizzazzjonijiet tal-konsumatur biex joħolqu organizzazzjonijiet sussidjarji u biex jikkoperaw ma' xulxin; jitlob ukoll lill-gvernijiet ta' l-Istati Membri l-godda biex irawwmu l-ħolqien ta' inqas organizzazzjonijiet, iżda aktar b'saħħithom, permezz ta' ffinanzjar progressiv u effiċjenti;
20. Jikkunsidra li biex tittejjeb il-kwalità tal-protezzjoni tal-konsumatur, l-organizzazzjonijiet tal-konsumatur individwali jridu jkunu msaħħa finanzjarjament, u jridu jkunu pprovduti analizijiet oġġettivi u disponibbli għal pubbliku dwar il-kwalità tal-ħidma tagħhom; għalhekk jitlob lill-Kummissjoni u lill-Istati Membri l-godda biex jikkoperaw b'mod intensiv kemm fit-tfassil ta' regoli finanzjarji bħal dawn u fit-tfassil ta' indikaturi, li jistgħu jitkejlu, tal-kwalità tar-riżultati milhuqa minn organizzazzjonijiet bħal dawn;
21. Jitlob lill-gvernijiet ta' l-Istati Membri l-godda biex jiżguraw li l-organizzazzjonijiet tal-konsumatur huma kkonsultati b'mod xieraq fl-istadji kollha tal-proċess politiku tat-teħid tad-deċiżjonijiet u fl-implimentazzjoni tal-liġi dwar il-konsumatur;
22. Jitlob lill-Istati Membri u lill-Kummissjoni biex jiżviluppaw u jappoġġjaw finanzjarjament, fejn ikun possibbli, proġetti ta' tishih tal-kapaċità biex isaħħu l-organizzazzjonijiet tal-konsumatur fl-Istati Membri l-godda permezz ta' proġetti ta' ġemelaġġ, ta' proġetti ta' konsulenza u ta' programmi oħrajn għal skambju ta' taħrif u informazzjoni bejn l-organizzazzjonijiet fl-Istati Membri godda u fl-Istati Membri l-godma;
23. Jitlob lill-Kummissjoni biex tappoġġja programmi ta' taħrif intensivi għall-istaff ta' l-organizzazzjonijiet tal-konsumatur biex jitwettqu fl-Istati Membri l-godda u biex jitwettqu fil-lingwi uffiċjali ta' dawn il-pajjiżi, bil-għan li jkun hemm taħrif għal bażi wiesgħa ta'

staff u ta' voluntiera li jaħdmu għall-organizzazzjonijiet bħal dawn u mhux biss għal manigers superjuri tagħhom, bil-ħsieb li l-moviment tal-konsumatur isir aktar effettiv;

Organizzazzjonijiet tan-negozju

24. Jinkoraġġixxi organizzazzjonijiet tan-negozju u l-gvernijiet nazzjonali biex jindirizzaw il-problema ta' bosta negozji fl-Istati Membri l-ġodda li jissottovalutaw l-importanza u l-benefiċċji li jkunu indirizzati kwistjonijiet tal-konsumatur u li jqisu b'mod żbaljat li l-organizzazzjonijiet tal-konsumatur joperaw kontribom u li t-tiżi ta' l-għarfien tal-konsumatur huwa theddida għan-negozju;
25. Jinnota li l-Istati Membri l-ġodda wkoll għandhom jitqabdu ma' prattiċi mhux ġusti minn naħa ta' negozjanti mill-Istati Membri l-qodma, li f'dawn il-pajjiżi, prattiċi bħal dawn is-soltu mhux permessi - pereżempju, ir-restrizzjoni tad-drittijiet ta' l-utenti fil-każ ta' oġġetti kopruati bil-protezzjoni tal-proprjetà intellettwali, tipprova tiddistribbwxxi oġġetti mhux ittestjati minn pajjiżi mhux ta' l-UE, u l-bqija;
26. Jinkoraġġixxi l-organizzazzjonijiet tan-negozju fl-Istati Membri l-ġodda biex jaħdmu mill-viċin ma' l-organizzazzjonijiet tal-konsumatur u biex jistabbilixxu standards volontarji ta' prattiċi etiċi tan-negozju ma' proċeduri ta' infurzar effettivi u trasparenti, ma' programmi edukattivi dwar il-konsumatur u n-negozju u ma' proċessi alternattivi effettivi u ġusti ta' soluzzjoni għal konflitti; jitlob ukoll lill-Istati Membri l-ġodda biex jinkoraġġixxu u jappoġġjaw dawn l-inizjattivi;

Awtoritajiet għal protezzjoni tal-konsumatur

27. Jinnota li bil-holqien ta' "kultura tal-konsumatur", l-awtoritajiet għal protezzjoni tal-konsumatur fl-Istati Membri l-ġodda għandhom ukoll irwol ewlieni;
28. Isostni li n-nuqqas ta' amministrazzjoni li tiffunzjona b'mod xieraq fil-qasam tal-protezzjoni tal-konsumatur stabbilita f'uħud mill-Istati Membri l-ġodda huwa ostaklu serju fl-iżgurar ta' livell għoli ta' protezzjoni għal konsumatur; jitlob lill-Istati Membri l-ġodda b'mod kontinwu biex jiżviluppaw u jsaħħu s-sistemi amministrattivi tagħhom fil-qasam tal-protezzjoni tal-konsumatur;
29. Jitlob lill-awtoritajiet għall-protezzjoni tal-konsumatur fl-Istati Membri, lill-organizzazzjonijiet tan-negozju u lill-organizzazzjonijiet tal-konsumatur biex jaħdmu f'koperazzjoni mill-viċin biex jipromwovu l-protezzjoni tal-konsumatur; jinnota li l-ħidma tas-suq mingħajr xkiel hija fl-interess tal-partijiet kollha kkonċernati;

Informazzjoni għal konsumatur

30. Jilqa' l-holqien ta' Ċentri Ewropej għal Konsumatur mill-Kummissjoni fl-Istati Membri l-ġodda kollha u t-twaqqif ta' Djarju Ewropew għal Konsumatur;
31. Jirrakkomanda li l-għarfien dwar il-konsumatur jingħata prijorità oġġetiva fil-curricula ta' l-iskejjel fl-Ewropa;

32. Jitlob lill-Kummissjoni biex taghti fondi inizjali, minbarra l-ghajjnuna attwali, lil dawk iċ-ċentri li jipprovdu lill-konsumaturi informazzjoni transkonfinali bejn l-Istati Membri l-godda u dawk qodma, b'mod partikulari f'regġuni li jinsabu fil-fruntiera;
33. Jilqa' l-fatt li l-Kummissjoni qed twettaq kampanji biex iżżid l-gharfien f'numru ta' Stati Membri u jinkoraġġixxi lill-Kummissjoni biex tiddeġika aktar riżorsi umani u finanzjarji għal dan il-ghan;

Jitlob lill-Kummissjoni, biex flimkien mal-partijiet kollha kkonċernati, twaqqaf kampanja strateġika ta' informazzjoni u ta' edukazzjoni b'mod effettiv biex tipprepara l-konsumaturi għall-adozzjoni ta' l-euro fl-Istati Membri l-godda; jenfasizza li din il-kampanja għandha tibni fuq l-esperjenzi pożittivi u negattivi ta' l-adozzjoni ta' l-euro fost l-Istati Membri l-qodma;

35. Jirrakkomanda l-ippubblikar ta' gurnali bi prova mill-organizzazzjonijiet tal-konsumatur fl-Istati Membri l-godda; jitlob lill-Kummissjoni u lill-Istati Membri l-godda biex, mill-inqas fil-bidu, jiżguraw li jkun ipprovdut biżżejjed taħriġ u ffinanzjar biex jiżgura l-iżvilupp ta' pubblikazzjonijiet bħal dawn;
36. Jitlob lill-Istati Membri l-godda biex isaħħu l-provvediment ta' informazzjoni lill-konsumaturi u lin-negozji fir-rigward tad-drittijiet tagħhom u fir-rigward tal-qafas legali attwali dwar il-politika tal-konsumatur, b'mod partikulari bit-twaqqif ta' 'web portals' li faċli jintużaw kif ukoll ta' kampanji, sondaġġi, konferenzi u punti ta' informazzjoni biex iżidu l-gharfien permezz ta' networks reġjonali u nazzjonali;
37. Jitlob lill-Kummissjoni biex tistabbilixxi mekkaniżmi ta' immonitorjar għal politiki nazzjonali tal-konsumatur, 'benchmarks', indikaturi, u dejta oħra ta' interess għal konsumaturi, inkluż osservatorju tal-prezzijiet u sondaġġi tal-kwalità;

Soluzzjoni ta' konflitti

38. Jitlob lill-Kummissjoni u l-Istati Membri l-godda biex jestendu in-Netwerk Ewropew ta' Ċentri tal-Konsumatur (ECC-Net) billi jinkludu organizzazzjonijiet tal-konsumatur indipendenti sabiex jipprovdu lill-konsumaturi informazzjoni dwar skemi Alternattivi ta' Soluzzjoni ta' Konflitti (ADR) disponibbli, kif ukoll parir legali u għajjnuna prattika biex jindirizzaw l-ilmenti b'dan il-mezz;
39. Jirrakkomanda li l-Istati Membri l-godda jestendu l-użu tal-mekkanizmi ADR billi jiżviluppaw mekkaniżmi appoġġjati mill-istat u billi jinkoraġġixxu t-twaqqif ta' bordijiet privati għall-ilmenti f'setturi speċifiki;
40. Jissuġġerixxi li l-Kummissjoni twettaq studju komprensiv dwar l-eżistenza u l-iffunzjonar ta' organizzazzjonijiet ADR biex tidentifika l-htieġa għal inizjattivi oħrajn u għal appoġġ fil-livell ta' l-UE li jista' jissupplimenta l-ECC-Net u li jista' jkun immirat aħjar lejn is-sitwazzjoni speċifika fl-Istati Membri l-godda;

41. Jinkoraġġixxi t-twaqqif ta' aġenziji għall-protezzjoni tal-konsumatur indipendenti fl-Istati Membri kollha b'setgħa sħiħa biex iressqu proċedimenti lill-qrati nazzjonali sabiex jiproteġu l-interessi tal-konsumaturi;
42. Jinkoraġġixxi lill-Parlament u lill-Kunsill bħala l-awtorità baġitarja biex tikkunsidra biex talloka aktar rizersi finanzjarji biex ittejjeb il-protezzjoni tal-konsumatur fl-Istati Membri l-godda, skond il-punti, kif stabbiliti, f'din ir-risoluzzjoni;
43. Jenfasizza li l-istituzzjonijiet ta' l-UE għandhom iżommu l-attenzjoni tagħhom fuq il-protezzjoni tal-konsumatur fl-Istati Membri l-godda, peress li għad hemm kwistjonijiet serji li jridu jkunu kkunsidrati f'dan ir-rigward, skond kif stipulat b'din ir-risoluzzjoni;
44. Jissuggerixxi li l-istess istituzzjonijiet jintegraw il-kwistjonijiet tal-konsumatur fil-ħidma leġislattiva u mhux leġislattiva tagħhom, u jqisu b'mod speċjali s-sitwazzjoni speċifika ta' l-Istati Membri l-godda; jenfasizza li huwa importanti b'mod partikulari biex titqies is-sitwazzjoni speċifika ta' l-Istati Membri l-godda fir-rigward ta' l-istrategija dwar il-konsumatur u dwar is-saħħa;
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- ◦
45. Jagħti istruzzjonijiet lill-President tiegħu biex iressaq din ir-risoluzzjoni lill-Kunsill, lill-Kummissjoni u lill-gvernijiet ta' l-Istati Membri.

EXPLANATORY STATEMENT

Introduction

Consumer protection and consumer policy in general are issues which have been placed high on the political agenda in the EU in these years. A consumer protection programme is on the way. It aims to mainstream the consumer issues, making sure that these are taken into consideration when dealing with all other policy areas within the competence of the EU. The extent to which national policy makers and the public are sufficiently aware of consumer issues does however vary greatly across the region. There are also big differences in consumer law and the level of integration of consumer issues into the broad legal framework of the Member States. There are thus a lot of issues to look into in relation to securing a high common level of consumer protection in the EU. This own initiative report does however take a more narrow focus on consumer protection/ consumer policy in the ten new Member States with a primary view to the existence/creation of a consumer culture.

Drawing a general picture of the state of play of consumer protection in the 10 new Member States is very difficult. First of all, there is a lack of data and nobody has a complete overview of the situation in the new Member States in the field of consumer protection. Furthermore one has to be aware of the fact that these countries are very different indeed. The organisational structure in the field of consumer protection as well as the traditions in this area vary greatly across all of Europe - not least in the new Member States. It is, however, possible to point to some areas in which one can identify some more general tendencies and some common challenges with regard to the protection of consumers within the ten new Member States.

First of all, it is important to stress that the overall impression of consumer protection in the ten new Member States is basically positive. Consumer organisations exist everywhere. It seems that these organisations are trying to raise awareness of consumer issues amongst the population and the politicians. There are, however, still some very important issues to address and it seems clear that at least some of the ten new Members States do not put consumer issues as high on the agenda as is necessary if the Internal Market is to function properly both for consumers and for businesses.

Legal infrastructure

The general picture is that the *acquis communautaire* is well transposed in the new Member States at the overall level, as EU preparation in these countries before accession had already brought improvements in contract laws, statutory rights and product safety. Knowledge is however still lacking as to whether all details of consumer legislation are transposed fully into national legislation.

At the same time, the formal transposition of Community consumer law is one thing. This does not automatically lead to practical implementation as such.

Many of the stakeholders from the new Member States working with consumer issues in the

ten new Member States who have been involved in this report have expressed concern that consumers in the new Member States are not aware of their new rights and that thus very few people go to court to exercise these rights. Equally, it seems to be a more or less general tendency that politicians in the new Member States very seldom raise the question of consumer rights unless a legislative proposal directly concerns consumers.

Therefore, one might argue that the *acquis communautaire* is not really sufficiently implemented on all levels. Consequently, there is a need for strengthening consumer awareness and stimulating “political” behaviour amongst consumers – a strong consumer culture should be created.

1. Consumer culture

1.1. The political consumer

As the situation is now, most consumers in the new Member States are behaving "non-politically". Consumers are not very demanding with regard to the quality of the products and services they buy. Moreover, institutionalised practise to complain about defects or problems in relation to a product or a service does not exist or only exist to a limited extent.

Thus, on account of the different historical experience and the different prevailing socioeconomic conditions, there is currently a lower level of consumer awareness than in the old Member States. However, this does not mean that one should abstain from focusing on strengthening consumer culture and trying to identify instruments that could help improving it.

1.2. Consumer organisations

Consumer organisations in the new Member States are aware of the unique opportunities the single market could offer them. Most of the organisations are optimistic that being a Member of the EU means greater choice, higher quality and improved standards for consumers. Still, consumer organisations in the new Member States as well as the EU draw attention to the lack of support for independent consumer organisations and the minimal efforts made by governments to encourage consumer awareness.

One major problem, which many of the consumer organisations in the new Member States point to, is lack of money. Only in some countries does the ministry responsible foresee funding, and even if funding is possible, the amount is often very small.

Besides government funding, another possibility is EU funding for consumer projects through the European Commission. The conditions which are set up for getting a tender or receiving support from the European Commission are however quite strict, especially when it comes to the professional background of the staff of the organisations. In many of the new Member States mainly volunteers are working in consumer organisations; they are enthusiastic but unfortunately do not meet the European Commission's conditions.

A second problem is that the political influence of consumer organisations is often quite low. This can be explained by different factors. First of all, many organisations have difficulties

securing a sufficient amount of support from the public - both due to their weak economic situation and the relatively low awareness of consumer issues among the population. Secondly, the formal channels for NGO influence on political decision taking - for example hearings of consumer organisations in the law-making process - are often few. In some of the old Member States consumer organisations are also involved in the implementation of new consumer law.

Additionally, consumer organisations often lack qualified staff and they can therefore have major difficulties in promoting consumer issues to the public. On the EU level, there are programs training consumer organisations staff with regard to these issues. It is clear that the sharing of knowledge between the organisations in the new and the old Member States is essential. With regard to this, consumer organisation in the new as well as the old Member States and the European consumer association have recommended putting more focus on twinning projects between organisations in the new and the old Member States.

Moreover, there are great differences as to how consumer organisations in the new Member States are organised. Sometimes many small consumer organisations exist, competing against each other instead of joining their efforts. This makes it very difficult for the organisations to take a strong position in the decision-making process and in public debate.

1.3. Consumer information

Generally speaking, it is important to focus on raising consumer awareness - also through other means than strengthening consumer organisations. This could be done by strengthening information in schools, supporting the creation of test magazines, which has proven an effective tool in raising consumer awareness in some of the old Member States, and by launching consumer policy information campaigns in all the Member States. At the moment the responsible DG within the Commission (DG SANCO) is starting a campaign in Poland but due to money restrictions they can only afford to campaign in one country each year.

1.4. Businesses and consumers – a well functioning Internal Market

Another point worth stressing is the lack of interest some businesses have in consumer issues. Many companies in the new Member States do not realise their importance. Many of them see consumer organisations as opponents. Therefore, it is vital to make the private sector and the authorities in the new Member States understand that competition and consumer protection are not contradictory but can be seen as preconditions. Companies in the 21st century have to realise that high consumer standards can be one of the most important factors in raising their competitiveness in the Internal Market.

Furthermore, business can play a major role in advancing a consumer culture and in so doing strengthen competition and open markets for honest traders, and it is therefore important to encourage business organizations in the new Member States to work closely with consumer organizations and governments to establish a framework for self-regulation that will complement consumer and government activities.

From a more general point of view, it should be stressed that a very important factor in strengthening the consumer culture is better awareness of the benefits that well-functioning

markets can bring to consumers. The Internal Market stands or falls on consumer confidence. Without it, it cannot function properly.

Across the EU it must be a top priority to achieve a high common level of consumer protection so that the consumer has more confidence in the functioning of the Internal Market. Mutual trust will promote cross-border transactions and will make sure that consumers take advantage of the Internal Market.

1.5. Dispute resolution

From the point of view of making the internal market work for consumers, the resolution of consumer disputes is an important issue. Consumers will lose their faith in market mechanisms if their disputes with suppliers are not resolved effectively.

Alternative Dispute Resolution (ADR) is out of court dispute resolution which is usually conducted by a third party. Some types of ADR result in binding and enforceable decisions, but not all ADRs have that status. Examples of ADR are arbitration, mediation, complaint boards and the ombudsman.

ADR is regarded as being cheaper, faster and more effective than Court litigation, yet it is relatively unknown. The institutions of the EU have repeatedly declared ADR a political priority.

The tradition of ADR differs throughout Europe, mirroring the Member State's variety in litigation, culture and historic development. Only some of the countries have so far notified an ADR body to the European Commission, within the framework of the ECC network. These bodies should of course be established in all countries throughout the EU.

Generally speaking, many of the new Member States are facing the unwillingness of businesses to enter ADR schemes and have to face low consumer awareness about its possibilities. Many ADR mechanisms issue non-binding or non-enforceable recommendations only. If the company does not comply, the consumer has to go to court anyway. This is a costly procedure that the consumer wants to avoid; here lies a possible role for enforcement of ADR rulings by consumer protection authorities.

Some of the new Member States plan to start a reform that should widen the competence of ADRs, either through specialisation or generalising competencies in several sectors. It might be recommended that a comprehensive study of the existence and functioning of ADR bodies be conducted by the European Commission to identify the needs for other European initiatives and support which could be supplement the ECC network and which could also be more targeted towards the specific situation in the new Member States.

PROCEDURE

Title	Promotion and protection of consumers' interests in the new Member States			
Procedure number	2004/2157(INI)			
Basis in Rules of Procedure	Rule 45			
Committee responsible Date authorisation announced in plenary	IMCO 28.10.2004			
Committee(s) asked for opinion(s) Date announced in plenary				
Not delivering opinion(s) Date of decision				
Enhanced cooperation Date announced in plenary				
Motion(s) for resolution(s) included in report				
Rapporteur(s) Date appointed	Henrik Dam Kristensen 27.9.2004			
Previous rapporteur(s)				
Discussed in committee	28.9.2004	24.11.2004	18.4.2005	14.9.2005
Date adopted	22.11.2005			
Result of final vote	for:	35		
	against:	0		
	abstentions:	0		
Members present for the final vote	Mia De Vits, Janelly Fourtou, Evelyne Gebhardt, Malcolm Harbour, Christopher Heaton-Harris, Anna Hedh, Edit Herczog, Anneli Jäätteenmäki, Pierre Jonckheer, Henrik Dam Kristensen, Alexander Lambsdorff, Kurt Lechner, Lasse Lehtinen, Toine Manders, Arlene McCarthy, Manuel Medina Ortega, Bill Newton Dunn, Zita Pleštinská, Zuzana Roithová, Luisa Fernanda Rudi Ubeda, Heide Rühle, Leopold Józef Rutowicz, Andreas Schwab, Eva-Britt Svensson, József Szájer, Marianne Thyssen, Jacques Toubon, Bernadette Vergnaud, Phillip Whitehead, Joachim Wuermeling			
Substitutes present for the final vote	Charlotte Cederschiöld, Joel Hasse Ferreira, Othmar Karas, Joseph Muscat, Alexander Stubb			
Substitutes under Rule 178(2) present for the final vote				
Date tabled – A6	30.11.2005		A6-0378/2005	