

# Consumer protection: consequences on the future of the Union policy. Green paper

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The committee adopted the report by Béatrice PATRIE (PES, F) on the Green Paper on the future of the EU's consumer protection policy. It wanted common general rules guaranteeing a high level of consumer protection to be adopted as a matter of priority and endorsed the Commission's approach of a general framework directive dealing mainly with practices that cause detriment to consumers, followed by vertical legislation on specific sectors where necessary. It also pointed out that the harmonisation of legislation should not result in a lowering of the level of consumer protection achieved under certain national arrangements. The committee wanted to see a general clause on fairness vis-à-vis the consumer introduced into the framework directive, based on precise and objective criteria in order to avoid differing interpretations in the legislation or case-law of the Member States. These criteria should include the duty to provide consumers with prior information, clearly and visibly displayed, on such aspects as the nature of the goods and services provided, the exact content and origin in the case of foodstuffs, the price in euro (and in local currency in the non-euro zone) inclusive of all taxes, any delivery charges, conditions of withdrawal, exchange or refund, the identity and address and full contact details of the supplier, etc. MEPs also stressed that consumers should be able to request information on production processes, including workers' conditions, without prejudice to justified business secrets. The report also included a number of other recommendations: - certain provisions of existing directives, such as those covering misleading advertising, should be incorporated into the framework directive; - the directive should be accompanied by a non-exhaustive blacklist of practices considered detrimental to consumers' interests, which should be regularly updated with the help of consumer groups in the Member States; - a consumer detriment test should be introduced based on the individual circumstances of the consumer and not on average intelligence, giving particular consideration to the more vulnerable consumers; moreover, any such test should also be an economic test rather than one based on taste or decency; - there should be continuing discussions on new forms of regulation, especially co-regulation since this is based on consultation between business and consumers. However, co-regulation and self-regulation should always be subsidiary to Community rules; - the Community authorities should be responsible for approving any codes of conduct drawn up, and non-compliance with a voluntary commitment arising from membership of a code of conduct thus validated should be viewed as an unfair practice under the framework directive; - the Commission should assess the experience gained through voluntary cooperation (e.g. in the Nordic states) and establish a legal framework and effective scrutiny arrangements for cooperation between the authorities responsible for enforcement in the field of commercial practices; - the Commission should publish and distribute an easy-to-read consumer guide so that consumers can be informed of their rights.