European Union consumer protection: legal aspects. Green paper

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The committee adopted the report by Marianne THYSSEN (EPP-ED, B) welcoming the Commission's Green Paper on the future of EU consumer protection. MEPs nevertheless emphasised the need for simpler, better focused legislation that would be easier to enforce. The committee noted that a great deal had been achieved at Community level in the matter of consumer protection but took the view that the total arsenal of legislation applicable to the internal market should be aimed, not at securing full legislative approximation, but at setting minimum norms and standards. It added that it was particularly important to establish a "harmonious legal concept" covering the whole spectrum of economic transactions within the internal market, and to boost consumer confidence, in order to make e-Europe into a reality. The report acknowledged that maximum harmonisation could be effective in ironing out the fragmentation of business and consumer legislation. However, it stressed that, until the Commission had drawn up an impact study on the suitability of the maximum harmonisation approach, it should indicate, on a case-by-case basis, why it had opted for one or the other form of harmonisation. Regarding the mutual recognition and country of origin principles, MEPs pointed out that these could only be satisfactorily implemented once a sufficient degree of harmonisation and a high level of protection had been achieved. On the idea of developing a framework directive on fair commercial practices, as suggested in the Green Paper, the committee proposed that such a directive be accompanied by a non-exhaustive blacklist of practices considered detrimental to consumer interests. As to the idea of establishing European codes of conduct, MEPs said these should be in addition to, and not a substitute for, legislation. Signing up to such codes in the first place must be voluntary, but at the same time these codes must be made enforceable: any infringement of a voluntarily accepted code of conduct should be treated as equivalent to an unfair practice and be penalised by arbitration bodies or courts. Lastly the committee repeated its call for a coordinated approach between the consumer protection framework directive and the regulation on sales promotions.