Protection of consumers: access to justice and settlement of disputes in the internal market

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OBJECTIVE: The purpose of the Commission communication is to devise an action plan on consumer access to justice and the settlement of consumer disputes in the European Union. SUBSTANCE: This action plan supplements the legislative provision proposed by the Commission in order to facilitate access by consumers to justice and is a follow-up to the Green Paper on the access of consumers to justice and the settlement of consumer disputes in the single market. The Commission points out that a significant consensus was achieved during the consultation stage as regards some of the considerations put forward in the Green Paper, namely: - coordination of the laws, regulations and administrative positions of the Member States relating to actions for an injunction in respect of certain breaches of Community law (the Commission submitted a proposal for a directive on this subject on 24 November 1996); - the promotion of a favourable environment for the out-of-court settlement of consumer disputes; - the strengthening of the mechanism for monitoring intra-Community disputes and the establishment - in the shape of a pilot project - of coordinating mechanisms for instituting cross-border proceedings. As regards the settlement of disputes the Commission favours a voluntary approach and wants to create the conditions for better cross-border cooperation. It therefore suggests the following guidelines: - a recommendation laying down the minimum criteria for the establishment of out-of-court procedures applicable to consumer disputes. These criteria would ensure that the procedures were effective and transparent and that the competent authority was impartial, and should facilitate the establishment and/or implementation of out-of-court procedures at internal market level; - the adoption by the Member States of a simplified European form (based on the E111 form relating to health insurance benefits) drawn up in 11 languages for use in intra-Community disputes involving an amount lower than a certain level. The form would initially be tested in a limited number of cross-border regions. During the second stage the Commission would submit the definitive version of the form as part of a proposal for a regulation which would lay down the 'instructions for use', on the basis of experimental period; - lastly, in order to compensate for the lack of information available at European level the Commission intends to publish a guide to European legal aid in the 11 Community languages. This guide, which would be drawn up in cooperation with the Bar Councils of the European Community, would be sent free of charge to the bodies which would be able to pass on some such information to the general public (legal bars, courts, local or regional information agencies, consumer associations).