Basic information

1996/2047(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Protection of consumers: access to justice and settlement of disputes in the internal market **Subject** 4.60.06 Consumers' economic and legal interests	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs, Citizens' Rights	FLORIO Luigi Andrea (UPE)	24/04/1996

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Consumer Protection	KUHN Annemarie (PSE)	24/04/1996

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	1969	1996-11-25

Key events

Date	Event	Reference	Summary
14/02/1996	Non-legislative basic document published	COM(1996)0013	Summary
15/04/1996	Committee referral announced in Parliament		
29/10/1996	Vote in committee		Summary
29/10/1996	Committee report tabled for plenary	A4-0355/1996	
13/11/1996	Debate in Parliament		
14/11/1996	End of procedure in Parliament		
25/11/1996	Debate in Council		Summary
02/12/1996	Final act published in Official Journal		

Technical information

Procedure reference	1996/2047(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/07719

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0355/1996 OJ C 362 02.12.1996, p. 0005	29/10/1996	
Text adopted by Parliament, single reading		T4-0614/1996 OJ C 362 02.12.1996, p. 0233-0275	14/11/1996	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1996)0013	14/02/1996	Summary

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

1996/2047(COS) - 25/11/1996

"1. The Council reaffirms its concern as regards strengthening consumers' confidence in the functioning of the internal market and their capacity to take full advantage of the opportunities it offers. 2. The Council considers that this concern also encompasses the possibility for consumers to settle disputes in an efficient and expedient manner by way of out-of-court and other comparable procedures, in particular in a transboundary context. It notes that such a possibility already exists in some Member States. The Council notes furthermore that such an approach is without prejudice to the need to ensure consumers' access to justice. 3. The Council takes note of the Commission's intention, as explained in its communication, to implement an action plan in this field. It supports the general concept of pilot projects on a voluntary basis in several Member States. 4. The Council considers, however, that the objective of pilot projects should be to explore and test in more detail the experiences and good practice in Member States and not to seek the eventual harmonization of national systems and practices. 5. The pilot projects should respect and take fully into account the variety of existing national bodies and structures, in compliance with existing national legislation. 6. The criteria that the pilot projects should apply are: - impartiality of the body responsible for handling disputes; - effectiveness of the procedure; - transparency of the procedure. 7. As regards transboundary disputes, the pilot projects should build on the cooperation between existing bodies and structures. 8. The Council notes with interest the Commission's intention to test, on a voluntary basis, for this transboundary cooperation and as a means of simplification of practices, forms which will be used by the consumer. It considers that the use of such forms should take account of experiences which several Member States have already had in this respect. 9. The Council notes the timetable envisaged by the Commission in Annex I of its communication and asks the Commission to report to Council on the result of the pilot projects before 30 June 2000. The Council will examine this report with a view to the appropriate follow-up to be given to the pilot projects."

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

1996/2047(COS) - 14/11/1996 - Text adopted by Parliament, single reading

In adopting the report by Mr Luigi FLORIO (UPE, I), Parliament expressed its approval of the Commission's action plan on consumer access to justice. It proposed the creation, with the Commission, of a simplified European form for intra-Community disputes worth less than a certain amount, in order to facilitate access to legal and out-of-court procedures. As far as unlawful commercial behaviour is concerned, it called on Member States to encourage consumer, professional and manufacturers' associations to represent individual persons lodging complaints. Companies based in Member States and selling products or providing services on their territory should have a permanent agent who could act for and on behalf of the company concerned and employ out-of-court procedures in order to resolve consumer complaints. Finally, Parliament called for the promotion of out-of-court procedures to settle disputes in consumer matters.

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

1996/2047(COS) - 14/02/1996 - Non-legislative basic document

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).