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INFORMATION NOTE

from: Presidency
to: Council
Subject: COUNCIL "COMPETITIVENESS" (Internal Market, Industry and Research)
on 11-12 October 2010

**High-Level Meeting "Enforcement of the Economic Rights of Consumers in
the Internal Market"(Brussels, 22 September 2010)**
– *Information from the Presidency*
(Other business item)

Delegations will find attached an information note from the Presidency on the above-mentioned subject.

European Consumer Protection Enforcement Day - High-Level Meeting
"Enforcement of the Economic Rights of Consumers in the Internal Market"
(Brussels, 22 September 2010)

1. Introduction

The Belgian Presidency of the European Union has, with the support of the Commission, organised a high-level meeting on the enforcement of consumers' economic rights in the internal market.

The meeting took place in Brussels on 22 September 2010. The Belgian Federal Minister for Enterprise and Simplification hosted the meeting. Among the speakers were Commissioners Viviane Reding and John Dalli, the Chairman of the Internal Market and Consumer Protection Committee of the European Parliament, Malcolm Harbour, legal experts in European law and consumer protection law, enforcement authorities and consumer policy authorities from thirty European countries, as well as representatives from the consumer organisation BEUC and the EESC, and officials from the Commission.

The guests invited were consumer policy as well as consumer protection enforcement experts and officials.

The purpose of the conference was to address the issue of enforcement of consumers' economic rights in the internal market by rounding up the current state of play and launching a discussion and reflection about mid-term expectations and corresponding strategies to be adopted.

There was a broadly shared concern among the participants about the current achievements in cross-border enforcement of the consumer acquis. Four key issues providing explanations and possible ways out were further developed in speeches and breakout sessions.

On the issue of "**fragmentation in legislation**", legal experts shared the view that a directive-based consumer acquis, with different transpositions in Member States, has drawbacks if we wish to have uniform enforcement in the internal market. It could be examined whether a regulation-based approach would be more beneficial.

Regarding the issue of "**coordination**", participants admitted that the sector-based approach for consumer policy initiatives does not facilitate coherent enforcement. The importance of having good legislation, conceived to be enforceable, was underlined. It has been put forward that a greater role for the Commission in coordinating the enforcement of pan-European practices would be necessary as this problem is currently insufficiently addressed. Legal experts maintained that the principle of subsidiarity would not necessarily constitute an impediment to this. Enforcement experts do see the benefit of such an approach.

Every enforcement authority sets its own **priorities**. The mandatory cross-border enforcement cooperation currently does not comprise a common set of priorities. Participants stressed that a common set of priorities would be useful to foster cooperation but it should remain flexible and take into account the fact that national markets and corresponding priorities could differ. A role for the Commission in looking for a common approach in priority setting and multi-annual planning was also mentioned as a possibility.

Finally, the **procedural rules** for enforcement remain fragmented. The consumer acquis leaves the enforcement regime up to the Member States. The differing national legal and enforcement systems make it difficult to tackle intra-Community infringements in an efficient way. It was proposed to reflect about more stringent and detailed procedural rules. The view was shared that, even within the current cooperation model, there is a need for clearer rules about powers, obligations and legal issues such as the determination of applicable law.

2. Conclusions

The High-Level Meeting showed that cross-border enforcement of consumers' economic rights should be placed high on the agenda, as it touches on consumer confidence in the internal market and therefore the success of the internal market.

The majority of the participants agreed that the current results of cross-border enforcement cooperation are not satisfactory and that measures have to be taken.

Participants did not question the cooperation model, although a greater coordination role for the Commission was proposed by a number of participants.

Participants agreed that cross-border enforcement cooperation needs to be improved according to the agreements made. More clarity about procedures and hindering issues such as the determination of applicable law has to be addressed.

Useful suggestions for improvement were made throughout the event, which were welcomed by the Commission and will be taken up during future cross-border enforcement work.