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Til underretning for Folketingets Europaudvalg vedlægges erklæring fra forbrugerorganisationerne samt pressemeddelelse fra det svenske formandskab vedr. det uformelle ministermøde (indre marked, forbruger og turisme) den 27. april 2001 i Lund.

Statement of Consumer Organisations to the Informal Meeting of Ministers of Consumer Policy and Internal Market. Lund 27.4.01

We first wish to thank the Swedish presidency for bringing us together here and especially for doing so in conjunction with the informal meeting of ministers. This is an historic occasion. Today for the first (but we hope not the last) time we can express our concerns directly to the ministers with responsibility for consumer policy and the internal market. We have discussed many issues in Lund, focusing on the three broad themes of the Internal Market, New Technologies and New Forms of Regulation. This is a brief statement of our main recommendations.

Internal Market

It is premature to talk about freedom of goods and services while consumers face problems shopping across borders because **the Internal market does not function as it should.**

Ministers should affirm the **autonomous character of consumer policy.** The Commission and Council should provide a communication to explain the way in which they will interpret and implement Art 153. If necessary, Art 153 should be amended to delete any reference to Art 95 and the completion of the internal market.

DG Sanco should provide regular reports on **the integration of consumer policy** into other EU policies. In particular they should develop criteria to assess the impact of other DG's measures on consumer protection.

The Commission should ensure **greater involvement of consumer groups** in all relevant DG's policy making by providing appropriate mechanisms for consultation and participation.

DG Sanco should **undertake a review of consumer protection directives** and their enforcement by public authorities in each Member State, focusing in particular on the following issues:

The upward harmonisation of consumer laws to reflect higher standards of protection.

The better coordination of market surveillance systems.

Appropriate training for public servants.

EU and national consumer legislation being made better known and accessible to all consumers.

To complement existing ADR systems Ministers and the Commission should develop judicial means of redress including small claims procedures and new forms of collective redress.

New Forms of Regulation

Given the increasing speed and nature of change, it is opportune to consider the potential of new forms of regulation, **but we must not overlook the strengths and merits of our existing regulatory system,** especially when well devised and effectively enforced.

The basic needs of consumers such as **economic and legal protection and safety requirements** need to be assured by legislation and not by other forms of regulation.

We would **encourage the Commission to develop ideas on new forms of regulation**, which might in some circumstances bring benefits such as improved protection, flexibility, adaptation to changing market conditions and involvement of stakeholders. However, any form of regulation must meet certain essential basic criteria, including **efficacy, democratic legitimacy, consumer confidence**, together with **coherence and consistency in the context of the single market**. Self-regulation, co-regulation, negotiated solutions and other proposed forms of rule-making must be assessed against these basic criteria.

To meet these essential criteria consumers demand that new forms of regulation must be based firmly on law, at least in the form of a **framework or general law**.

New Technologies

The collection of **large amounts of personal data** is a new and unique threat to consumers. We therefore ask the European Commission and the Member States to take specific action to ensure that consumers are **the owners of their own personal data**, including rights equivalent to all forms of intellectual property rights, and the means to enforce those rights. Action is also needed in relation to **legal rights, child safety, the digital divide, privacy and new monopolies**.

We expect the highest level of consumer protection also on the Internet. This would require specific measures to deal with **implementation, market surveillance, enforcement and sanctions**. Proper consumer complaints procedures must be developed that include collective redress. We ask the European Commission and the Member States to establish a European law enforcement system for e-commerce, including a rapid dispute settlement procedure.

In order for new technologies to be a success, it is recalled that Article 153 of the Amsterdam Treaty recognizes the right to consumer education. This must mean that **all consumers should get access to education regarding new technologies** on an equal basis. We ask the European Commission and the Member States to protect children and provide consumer education about new technologies to all citizens of the European Union on an equal basis.

In arranging this conference, our Swedish hosts have set a precedent that should extend beyond the term of their presidency. We therefore ask the Belgian and later presidencies to **convene similar conferences to take stock and to continue discussions** on these issues between consumer representatives and the ministers for consumer policy and the internal market.

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Consumer interests in focus at meeting in Lund

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The position of consumers on the internal market has been the focus of the informal ministerial meeting in Lund on 26-28 April.

In their summary of the meeting the chairmen, Swedish Minister for Consumer Policy, Britta Lejon, and Minister for Trade, Leif Pagrotsky, said that the ministers had had many fruitful discussions and that there is considerable consensus about the fact that the development of the internal market is largely dependent on a satisfactory consumer protection.

The ministers established that there does not need to be any conflict of interests between consumers and producers on the internal market. They discussed how best to safeguard consumer interests and to increase their confidence in the internal market.

They especially highlighted issues such as consumer interests in statutory rights and food safety. Other issues discussed were that:

- the parties on the market must be afforded better opportunities to participate in the process of developing regulations on the internal market;

- effort to develop common legislation must move at a quicker pace and become more efficient, and possibilities of creating a common legal framework examined;
- consumer interests must be safeguarded in all policy areas, for example, through the application of impact assessments and regular follow-ups;
- good marketing practices must be observed, i.e., that the business sector's attitude towards consumers is characterised by fairness and objectivity;
- price surveys are important in order to give consumers a better overview and to force prices down.

The ministers also discussed parallel imports, on the basis of the price survey presented by Sweden and the UK during the meeting. There was broad consensus that the issue should continue to be discussed in the Council, and many of the participants showed an open attitude towards a liberalisation of the trade mark directive.

In connection with the meeting of ministers, representatives of European consumer organisations were also convened at a parallel meeting in Lund, and had the opportunity to present their demands and opinions to the Council of Ministers.

“We want to continue to develop our contacts with the European consumer organisations as an expression of the importance we ascribe to them”, say Britta Lejon and Leif Pagrotsky.

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