



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 October 2012

14464/12

**CONSOM 115
MI 591
JUSTCIV 293
ENER 396
ENV 738
DATAPROTECT 113
DENLEG 96
TRANS 314
AVIATION 145
AGRI 637
EF 216
ECOFIN 816
ETS 25**

NOTE

from: the Permanent Representatives Committee
to : the Council

Subject: Communication from the Commission: A European Consumer Agenda - Boosting confidence and growth
- *Adoption of Council Resolution*

1. On 22 May 2012, the Commission submitted to the Council a Communication on "A European Consumer Agenda - Boosting confidence and growth".
2. In response to that Communication, the Presidency presented a draft Council Resolution, which was examined by the Working Party on Consumer Protection and Information at its meetings on 6 and 28 September 2012.

3. At its meeting on 3 October 2012, the Permanent Representatives Committee agreed to submit to the Council for adoption the text as set out in the Annex to this note.
 4. The Council is invited to adopt the draft Resolution.
-

Draft Council resolution

"THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES

- a) The adoption of the Commission Communication on 22 May 2012 proposing a "European Consumer Agenda - Boosting confidence and growth"¹, containing both principles for consumer policy in the years to come in line with Europe 2020 and a list of specific initiatives to be implemented by 2014. These principles and specific measures aim at empowering consumers, boosting their trust and putting consumers at the heart of all EU policies.

These measures should be financed inter alia by the proposal of Regulation on a Consumer programme for the period 2014-2020², as a successor to the 2007-2013 Programme of Community Action in the field of consumer policy³ and also by the proposal for a Regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights and Citizenship Programme⁴ and other sectoral programmes as appropriate, without prejudging the negotiations on the Multi-Financial Framework 2014 - 2020 (MFF).

- b) The European Parliament's resolution of 15 November 2011 on a new strategy for consumer policy⁵.

¹ 10420/12 + ADD 1.

² 16795/11.

³ OJ L 404, 30.12.2006, p.39.

⁴ 17273/11.

⁵ P7_TA-PROV(2011) 0491

2. RECALLS

- a) The European Parliament resolution of 20 May 2008 on EU consumer policy strategy 2007-2013⁶,
- b) The Commission Communication of 3 March 2010 on "Europe 2020 - A strategy for smart, sustainable and inclusive growth"⁷,
- c) The Commission Communication of 19 May 2010 on a Digital Agenda for Europe⁸ and the need to strengthen consumer trust in the Single Market,
- d) The Council conclusions of 30 May 2011 on the Priorities for Re-launching of the Single Market⁹, stressing the need to develop a proactive and horizontal action plan aiming at eliminating fragmentation in the Single Market and ensuring that the benefits of the Single Market are passed to consumers,
- e) The European Parliament report of 8 May 2012 on a strategy for strengthening the rights of vulnerable consumers¹⁰.

3. NOTES that 2012 marks the 40th anniversary of the Union consumer policy. In the Paris Summit of October 1972, Heads of State or of Government "called upon the Institutions of the Communities to strengthen and coordinate measure for consumer protection and to submit a programme". Such programme was approved in April 1975 by a Council resolution¹¹.

⁶ OJ C 279E , 19.11.2009, p. 17–23.

⁷ 7110/10.

⁸ COM (2010) 245 final.

⁹ 10993/11

¹⁰ P7_TA(2012)0209.

¹¹ OJ C 92/1 of 25.4.1975, p.1.

4. RECOGNISES

- a) That the fragmentation among national parts of the Single Market and the growing complexity of the markets, characterised by globalisation of the production and supply chains, increasing digitalisation and an overload of information targeting consumers, is rapidly changing consumers' needs and expectations. Ensuring a high level of consumer protection in this context and empowering consumers by providing them with sufficient tools, knowledge, skills and competences to make conscious and informed choices, as well as facilitating sustainable consumption, is vital, taking also into account the particular needs of the more vulnerable consumer groups,
- b) That the Special Empowerment survey published in 2011¹² showed that one in four European consumers does not feel confident and more than one in three does not feel knowledgeable, and that the 2012 Spring Consumer conditions Scoreboard¹³ identified important gaps in the enforcement of consumer and product safety legislation in the Union,
- c) That consumer confidence is of special importance in the current economic climate,
- d) That further improvement of consumer protection legislation at Union level is of importance for both consumers and business,
- e) That administrative cooperation between national authorities should be further strengthened,
- f) That the vital role of consumer organisations should be acknowledged and that they should be supported, where appropriate, considering their essential task of assisting consumers and defending their interests,
- g) That European Consumer Agenda 2012-2020 will require a sustained level of commitment at both Union and Member State level,
- h) That consumers and traders are still often confined within national borders by remaining unjustified or disproportionate barriers, which prevent them from shopping or selling abroad, be it online or offline,

¹² http://ec.europa.eu/consumers/consumer_empowerment/docs/report_eurobarometer_342_en.pdf

¹³ http://ec.europa.eu/consumers/consumer_research/editions/docs/7th_edition_scoreboard_en.pdf

- i) That, therefore, reaching the overall objectives of the European consumer strategy 2007-2013 - to allow citizens to shop from anywhere in the Union, from corner-shop to website, confident they are equally effectively protected, and to enable retailers to sell anywhere on the basis of a single simple set of rules - have not yet been fully attained,
- j) That enforcement is a priority for both consumers and business, and requires the appropriate allocation of resources at national and Union level. Enforcement is essential for building consumer confidence in the power of their rights, but also safeguarding a level-playing field for legitimate business and ensuring that competitors who do not respect consumer rights are not given an unfair advantage,
- k) That consumers should have access to adequate redress mechanisms,
- l) That the Union and the Member States should put the necessary resources in the development of a single market that truly meets the needs of consumers, including the vulnerable groups, in order to consider the potential of consumer expenditure, currently representing 56% of the EU GDP, as a significant source of growth. The 2014-2020 Consumer Programme should act as catalyst from 2014 onwards, supplemented by other Union programmes aiming to support consumer policy as appropriate, especially in specific sectors (and with respect to support to business),
- m) That the European Consumer Agenda is an important contribution to the Europe 2020 Strategy, is consistent with the components of this strategy and complements other initiatives, such as the EU Citizenship Report of October 2010¹⁴, the Single Market Act of April 2011¹⁵, the Digital Agenda for Europe of May 2010¹⁶, the E-commerce Communication of January 2012¹⁷ and the Roadmap to a Resource Efficient Europe of September 2011¹⁸.

¹⁴ 15936/10.

¹⁵ 9283/11.

¹⁶ 9981/10.

¹⁷ 5494/12.

¹⁸ 14632/11.

5. ENDORSES

- a) The Commission's vision for consumer policy in the years to come, especially the comprehensive nature of the approach of the European Consumer Agenda, built around four key objectives, and bearing in mind the overall objective of creating a borderless Single Market for consumers and businesses:
- reinforcing consumer safety for goods, services and food, strengthening the regulatory framework and making market surveillance more efficient,
 - enhancing knowledge through targeted consumer information and education as well as effective support to consumer organisations,
 - improving enforcement and securing redress, by strengthening the role of consumer enforcement networks and
 - aligning rights and key policies to economic and societal change, inter alia by adapting consumer law to the digital age.
- b) The need to factor consumer interests from the outset into the design and implementation of sectoral policies of key importance for consumers, in particular in the food chain, energy, travel and transport, sustainable products, digital and financial services sectors,
- c) The establishment of an ambitious list of actions to be implemented by 2014 as set out in the European Consumer Agenda,
- d) The monitoring of the progress in meeting the objectives of the European Consumer Agenda, including through the Commission's report on consumer policy,
- e) The need to focus on eliminating unjustified and disproportionate barriers that make business-to-consumers cross-border transactions, including e-commerce, more difficult and more expensive, and the need to strengthen consumer trust in cross-border electronic transactions.

6. DRAWS THE ATTENTION of the Heads of State and Government
 - a) To the significance of the European Consumer Agenda as a contribution to the Europe 2020 Strategy for smart, sustainable and inclusive growth,
 - b) To the need to take further action in order to create a borderless Single Market for consumer retail markets, including e-commerce, by using all the appropriate tools and instruments.

 7. INVITES the Commission and Member States to work efficiently together to ensure the rapid implementation of the Agenda.
-