



Council of the  
European Union

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**NOTE**

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From: General Secretariat of the Council

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To: Permanent Representatives Committee/Council

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Subject: Draft Council conclusions on the New Consumer Agenda

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Delegations will find in the Annex the draft Council conclusions on the New Consumer Agenda.

DRAFT

**Council conclusions on the New Consumer Agenda**

RECALLING the robust EU legislative framework on consumer protection, which has been in constant development for almost fifty years and has contributed strongly to the integration of the single market;

RECALLING the Council resolution adopted on 11 October 2012<sup>1</sup> in response to the previous ‘European Consumer Agenda: Boosting confidence and growth’<sup>2</sup>;

RECALLING the Commission’s Communications on:

- ‘The European Green Deal’<sup>3</sup>;
- ‘Shaping Europe’s digital future’<sup>4</sup>;
- ‘A new circular economy action plan for a cleaner and more competitive Europe’<sup>5</sup>;
- ‘Identifying and addressing barriers to the Single Market’<sup>6</sup>;
- ‘The long term action plan for better implementation and enforcement of single market rules’<sup>7</sup>;
- ‘Additional COVID-19 response measures’<sup>8</sup>;

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1 Doc. 14464/12.  
2 Doc. 10420/12 + ADD 1.  
3 Doc. 15051/19 + ADD 1.  
4 Doc. 6237/20.  
5 Doc. 6766/20 + ADD 1.  
6 Doc. 6779/20.  
7 Doc. 6778 2020.  
8 Doc. 12636/20.

RECALLING the Council conclusions adopted on 17 December 2020 on ‘Making the Recovery Circular and Green’<sup>9</sup>;

RECALLING the United Nations Sustainable Development Goals and the 2030 Agenda for Sustainable Development;

HIGHLIGHTING that the European Green Deal goals of transforming the EU into a fair and prosperous society, with a climate-neutral, resource-efficient, clean and circular economy require measures that empower and support consumers to play an active role in the green transition;

RECALLING that the COVID-19 pandemic, in addition to its unprecedented effects as a health crisis, has a significant impact on many areas of European consumers’ lives;

RECALLING the actions undertaken by the Commission and the Member States to ensure that European consumers continue to benefit from the single market and have their rights duly enforced in order to encourage them to support and drive the economic recovery;

RECALLING the surge in scams, deceptive marketing techniques and fraud in online shopping, specially during the COVID-19 pandemic, and the close and effective cooperation between the Commission and relevant national enforcement and justice authorities to fight such rogue trading practices;

RECALLING the initiatives undertaken by the Commission and Member States to ensure that consumers’ rights are also protected in the travel sector amidst the widespread disruption caused by the COVID-19 pandemic<sup>10</sup>;

HIGHLIGHTING the need for a horizontal approach to consumer protection policy, integrated with other EU policies, in the light of the provisions of the Treaties regarding consumer protection<sup>11</sup>;

HIGHLIGHTING that private consumption represents more than half of EU GDP;

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<sup>9</sup> Doc. 13852/20.

<sup>10</sup> Commission Recommendation (EU) 2020/648 of 13 May 2020 on vouchers offered to passengers and travellers as an alternative to reimbursement for cancelled package travel and transport services in the context of the COVID-19 pandemic (OJ L 151, 14.5.2020).

<sup>11</sup> In particular, Title XV of Part Three of the Treaty on the Functioning of the European Union (Consumer Protection).

THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES the adoption on 13 November 2020 of the Commission's Communication on a 'New Consumer Agenda: Strengthening consumer resilience for sustainable recovery' ('New Consumer Agenda'), which presents a vision for EU consumer policy from 2020 to 2025;
2. SUPPORTS the priority areas and key action points aimed at defining and establishing measures for a high, effective level of consumer protection and the empowerment of EU consumers in the green and digital transitions;
3. UNDERLINES the lessons learned from the COVID-19 pandemic and the importance of maintaining a high level of consumer protection in times of crisis, too; HIGHLIGHTS the importance of examining the effectiveness of existing mechanisms and translating those lessons into ambitious and comprehensive long-term EU and national consumer policies, in order to safeguard consumers' interests in future crises and enhance their resilience;
4. AGREES with the aim of assessing the longer-term impact of COVID-19 on the consumption and mobility patterns of people in the EU as a basis for future policy initiatives, so as to increase the EU's resilience and preparedness for similar threats in the future; WELCOMES the Commission's intention to employ foresight in order to better anticipate and mitigate the impact of future crises on consumers;
5. ENDORSES the holistic approach to consumer policy reflected in the New Consumer Agenda, stressing the need for cooperation and coordination between the Commission and the Member States, which has proven essential in ensuring consumer protection; STRESSES the need to integrate consumer interests into the design and implementation of sectoral policies; RECOGNISES the importance of a behavioural approach when establishing policy actions;
6. ACKNOWLEDGES the benefits of having comprehensive national consumer policies which work in synergy with the New Consumer Agenda, while preserving the autonomy of national decisions, to contribute to a fully functioning single market; INVITES the Commission to support such synergies;

7. HIGHLIGHTS the political vision of empowering and engaging consumers in the post-pandemic economy by making them key actors of a sustainable recovery, thus reinforcing the competitiveness of the EU economy and the single market; UNDERLINES the contribution of consumer policy to the recovery, enhancing the intrinsic link between consumer trust and economic growth;
8. ENCOURAGES Member States to support consumers to become relevant actors in the green transition, promoting sustainable production and consumption, including through the adoption of innovative solutions, which contribute to reinforcing EU competitiveness and global leadership, and through consumer education and information; STRESSES that sustainable products should be available, affordable and accessible for all consumers;
9. UNDERLINES the need to empower consumers through targeted, clear, harmonised and reliable information on the environmental impact, for example the carbon footprint, and circular characteristics of goods, including food, and services, by favouring consumer-friendly information design, while avoiding information overload and unreasonable burdens on businesses; WELCOMES the Commission's intention to propose measures in order to promote sustainable consumption by improving consumers' right to accurate and effective information, and to better protect them against certain practices such as unsubstantiated green claims and greenwashing;
10. HIGHLIGHTS the need to reduce consumers' ecological footprint by promoting a long product lifespan and product durability, proper maintenance, reparability and recycling, while preventing premature obsolescence, including as regards software; WELCOMES the Commission's intention to address these issues in relevant upcoming legislative proposals;
11. ACKNOWLEDGES the role of consumers in new business models that could optimise the efficiency and sustainability of goods and services such as sharing, leasing or remanufacturing goods, or providing them as a service or second-hand, in accordance with the goals of a circular economy; WELCOMES the Commission's intention to reinforce the 'right to repair' so as to allow goods to be more systematically and easily repaired, also beyond the guarantee period at a cost and within a timeframe that are both reasonable for consumers;

12. HIGHLIGHTS the need to ensure a reliable, safe and fair digital environment for consumers through adequate policies, future proof legislation, enforcement capabilities and tools, which take into account the challenges posed by the digital era, enable innovation to deliver green and safer goods and services, and ensure equivalent level of consumer protection online and offline;
13. SUPPORTS the Commission's intention to revise the General Product Safety Directive<sup>12</sup> with a view to creating a level playing field for the safety of online and offline products by improving systems of recall, enforcement and traceability, in order to ensure that all products placed on the single market are safe;
14. HIGHLIGHTS the importance of setting up a clear responsibility and liability framework for online platforms, including the adoption of appropriate measures to efficiently address fraudulent, unfair and misleading commercial practices and the sale of non-compliant and dangerous goods and services through online platforms; WELCOMES and ENCOURAGES, in this regard, a regular dialogue between the Commission and those platforms;
15. STRESSES the need for consistency and a clear interplay between EU law on consumer protection and EU law on digital markets, having regard, in particular, to the proposed Digital Services Act<sup>13</sup> and the Digital Markets Act<sup>14</sup>, in order to establish a high level of consumer protection as regards consumer rights, access to goods and services, including cross-border, transparency, responsibility and a safe digital environment, and to clarify and reinforce the accountability of online intermediaries, especially online platforms;

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<sup>12</sup> Directive 2001/95.

<sup>13</sup> Doc. 14124/20 + ADD 1 - 3 + REV 1.

<sup>14</sup> Doc. 14172/20 + ADD 1 - 4.

16. ENCOURAGES the revision of the guidelines on the implementation and application of the Unfair Commercial Practices Directive<sup>15</sup> and the Consumer Rights Directive<sup>16</sup> with a view to clarifying their application to new commercial practices, in particular in the digital economy and social media; WELCOMES the Commission's intention to deploy a toolbox of innovative e-tools, which should support relevant bodies, such as national authorities and consumer organisations, in identifying illegal online commercial practices;
17. STRONGLY SUPPORTS the Commission approach of addressing specific consumer needs, taking into account the vulnerabilities of consumers, to ensure that no one is left behind; UNDERLINES the need to promote inclusive awareness campaigns and local advice to reinforce consumer protection online and offline; HIGHLIGHTS the importance to support debt advice services and preventive financial counselling as well as considering relief mechanisms;
18. UNDERLINES that the dynamic and rapid transformation of retail financial services, which is making new digital channels and products available to consumers, requires legislative and behavioural approaches to protect consumer interests; STRESSES the need to strengthen the protection of vulnerable consumers who need credit to purchase essential goods and services, such as healthcare, education and utilities;
19. SUPPORTS the Commission's intention to revise the Consumer Credit Directive<sup>17</sup> and the Distance Marketing of Consumer Financial Services Directive<sup>18</sup>, in particular with a view to strengthening consumer protection by implementing specific measures preventing consumer misinformation, over-indebtedness and social exclusion, for example by clarifying the requirements on creditworthiness; ENCOURAGES the Commission to look into how to protect consumers from ending in over-indebtedness when engaging in certain types of loans; HIGHLIGHTS the need for consumers to receive clear, necessary and appropriate pre-contractual information to make informed choices while avoiding information overload;

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<sup>15</sup> Directive 2005/29.

<sup>16</sup> Directive 2011/83.

<sup>17</sup> Directive 2008/48.

<sup>18</sup> Directive 2002/65.

20. EMPHASISES that along with national authorities, civil society, in particular consumer organisations and business representatives, has a significant role in shaping consumer protection policy, aiming for a mutually beneficial relationship particularly in relation to the green transition and digital transformation, and ensuring broader participation in formulating and implementing consumer protection at EU and national level; STRESSES the need to fully use the potential of consumer organisations in order to better protect consumers' collective interests and counter the widespread risks of consumer detriment;
21. HIGHLIGHTS the importance of an effective enforcement cooperation regime and appropriate redress mechanisms to allow consumers to make transactions in the single market, including cross-border, without barriers and with trust;
22. CALLS for an active involvement in the Consumer Protection Cooperation<sup>19</sup> network, efficient alternative dispute resolution mechanisms, including the Online Dispute Resolution platform, and continued support to the network of European Consumer Centres;
23. CALLS for the robust and effective enforcement of EU consumer protection rules, to ensure consumer confidence by tackling various discriminatory practices which restrict consumers' choice and access to goods and services;
24. CALLS for the proper implementation of recent EU consumer protection rules, such as the Sales of Goods Directive<sup>20</sup>, the Digital Contracts Directive<sup>21</sup>, the Better Enforcement and Modernisation Directive<sup>22</sup> and the Representative Actions Directive<sup>23</sup>, which will contribute to the proper functioning of the single market;
25. CALLS for the development of effective cooperation with third countries with a view to ensuring the safe placing of products on the single market and securing access for consumers to safe products sold online and offline;

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<sup>19</sup> Established under Regulation (EU) 2017/2394.

<sup>20</sup> Directive 2019/771.

<sup>21</sup> Directive 2019/770.

<sup>22</sup> Directive 2019/2161.

<sup>23</sup> Directive 2020/1828.



26. CALLS upon the Commission to put forward specific proposals on artificial intelligence which follow a risk-based and proportionate approach, and guarantee a high level of consumer protection, aiming for transparency, responsibility, comprehensibility and verifiability as well as safety; ASKS FOR mechanisms to ensure efficient enforcement by the competent authorities, as well as for proper measures on the secure, trustworthy and ethical use of algorithm systems, taking into account national strategies; SUPPORTS the Commission's focus on the protection of fundamental rights, such as non-discrimination, in this particular context;
27. CALLS for the widespread and efficient cooperation of national authorities and all consumer policy stakeholders, including civil society, and between national and European consumer organisations and the Commission; CONFIRMS the vital role of consumer organisations and their essential tasks of advising, supporting and advocating for the specific needs of consumers and defending their interests, including through the standardisation process, in order to have a more balanced social market economy;
28. SUPPORTS the Commission's intention to establish a new governance system for steering the implementation of the New Consumer Agenda by involving Member States and all other relevant stakeholders in an annual cycle; WELCOMES the creation of a new consumer policy advisory group that brings together civil society, including consumer organisations, industry and academia; LOOKS FORWARD to the new Consumer Conditions Scoreboard for 2021, which will ensure better governance of the New Consumer Agenda;
29. RECOGNISES the need to allocate the necessary resources to implement the New Consumer Agenda and national consumer policies, namely through the 2021-2027 Single Market Programme, in particular its consumer objective;
30. INVITES all parties to cooperate efficiently to ensure the rapid implementation and effective monitoring of the New Consumer Agenda and, where appropriate, to reflect regularly on how to adjust it to new circumstances and needs.