

Latvian Presidency of
the European Union

BEUC priorities
2015



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Latvian Presidency of the European Union

BEUC Priorities

Introduction

The European Consumer Organisation (BEUC) is the umbrella organisation for 40 independent consumer organisations in 31 European countries. It is our mission to represent and promote consumers' interests among EU decision makers in all consumer relevant areas which match our members' strategic priorities.

In this Memorandum for the Latvian Presidency of the Council of Ministers, BEUC highlights the most pressing consumer expectations for the European Union, makes concrete proposals on how the Latvian Presidency can work towards successful consumer policies and finally, urges the Council of Ministers and the European Parliament to legislate in favour of consumers.

The Latvian government will be in charge of implementing the Council's agenda after an eventful year of political change. We hope the Latvian Presidency will ensure consumers are given the place they deserve in any decisions or preparatory work at the Council of Ministers.

In the course of the first months of 2015, we expect several key initiatives from the new Juncker Commission, such as the Digital Single Market package. We hope the Council's response will be that consumers should be seen as drivers of the Digital Single Market, provided with strong protections ensuring they have trust in the online world.

The European Commission is also expected to launch its strategy for an Energy Union with a forward-looking climate change policy. All European consumers should be provided with secure, sustainable, affordable and reliable energy services.

- **Data Protection:** The pending update of EU's personal data protection rules should strengthen citizens' protection and control of their own data.
- **Telecoms Single Market:** The pending update of the legal framework regulating telecoms services should create a true Single Market for consumers without roaming costs and protect their right to access the open internet.
- **Food Safety:** Several key food subjects will be negotiated during the Latvian Presidency. Improving food inspections (Official Controls proposal) and restrictions on antibiotic use in livestock are essential objectives to make our food safer.
- **Package Travel:** The legal protection for holiday makers is currently under revision and the results should improve the protection for consumers who book travel packages online.
- **Payment Services and Insurances:** Pending proposals should enhance consumer rights and protection, as well as market competition.
- **Product Safety and Market Surveillance:** The pending review of this legislative package is urgently needed to limit consumer exposure to unsafe products and improve market surveillance.
- **Medical Devices:** The safety standards and consumer confidence in medical devices needs improvement and strengthening.
- **Energy Union Strategy:** An energy strategy for the EU should follow a consumer-centric approach and promote sustainable products and services.
- **Transatlantic Trade and Investment Partnership (TTIP):** The EU/US trade negotiations need to guarantee EU consumer safeguards as a precondition for potential benefits for consumers.

We hope that under the Latvian Presidency progress will be made on these and other initiatives mentioned in our Memorandum, with the aim of delivering clear benefits to European consumers.

Together with our Latvian member, the Latvian Association for Consumer Protection, we wish Latvia a most successful Presidency.

Monique Goyens
Director General

Örjan Brinkman
President



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Transatlantic Trade and Investment Partnership (TTIP)

Why it matters to consumers

The aim of a transatlantic trade deal between the EU and the US (TTIP) is to boost growth and create new jobs by removing tariff and non-tariff barriers, facilitating trade in goods, services and investment flows.

Increased trade with the US market could bring several advantages to European consumers. However, differences in EU and US regulations in areas as diverse as food, chemicals and the protection of personal data have prompted concerns that a reduction of non-tariff barriers risk working to the detriment of European consumers.

State of play

EUROPEAN
COMMISSION

In June 2013 the Council of the European Union gave the European Commission the mandate to formally start trade negotiations with the US. As of December 2014, seven rounds of negotiations have taken place between the European Commission and the Office of the United States Trade Representative.

MEMBER
STATES

Negotiations have to take place in consultation with the Trade Policy Committee of the Council of the European Union (TFUE Art. 207.3). Member States have the power to give input all along the course of the process and shape the final output.

Recommendations for the Presidency

LATVIAN
PRESIDENCY

We call on the Latvian Presidency to ensure negotiations are carried out more transparently and that EU consumer, health, environmental, labour and safety standards are safeguarded.

What we need to succeed


- More openness and public accountability of the TTIP negotiations is necessary. The following should be made available to the public: the offers made by European negotiators; any further papers submitted by the EU and used in the course of the negotiations which detail or explain European positions; the draft and final versions of the chapters of the agreement throughout all steps of the drafting process; submissions received by the EU institutions from stakeholders and list of meetings held with them.
- While investment protection provisions are a positive element in general, Investor/State Dispute Settlement (ISDS) mechanisms have proved a fundamentally flawed system which, despite all attempts to improve, allow challenges to public interest policies and hinder the development of more advanced ones in future, imposes financial burdens on national governments and discriminates against domestic investors. It should not be included in the agreement.
- The European Commission should aim for an ambitious deal which ensures the protection of consumer, environmental, labor, health and safety standards and refuse compromises which will lead to lowering such standards or obstacles to improve them in the future. We ask EU Member States and the European Parliament to closely monitor the progress of the negotiations in order to raise a timely objection to any provision in the agreement which would lead to consumer detriment.

BEUC's ADDITIONAL SOURCES



Position Paper
on TTIP
BEUC-X-2014-031


Position Paper
on Food & TTIP
BEUC-X-2014-030


Position Paper
on Transparency &
Engagement in
the TTIP negotiations
BEUC-X-2014-080


Factsheet
on Investor-State
Dispute Settlement
BEUC-X-2014-045


Factsheet
on Food and TTIP
BEUC-X-2014-057


BEUC Response
to the EC Public
Consultation on
ISDS and Investment
Protection
BEUC-X-2014-050


For more information:
ttip@beuc.eu



1

Revision of the Package Travel Directive

Why it matters to consumers

Since the 1990s, the significant increase in internet sales, the advent of online travel agencies and the evolution of consumer expectations and preferences have fundamentally changed the travel market. Many new travel services and products currently offered to consumers fall outside the scope of the existing Directive on package travel which has been in place since 1990...and leave them unprotected.

Moreover, consumers do not distinguish between 'classic' packages and the new products available on the market (e.g. airlines offering travel combinations, linked online offers) and this prevents the making of informed decisions when choosing the best travel option.

State of play in legislative procedure

EUROPEAN
COMMISSION

In July 2013, the European Commission adopted a proposal for a review of the Directive. The new proposal provides a few improvements, but also shows some important gaps and flaws. The suggested principle of full harmonisation risks impacting negatively on certain national laws which provide higher protection levels than the proposal.

EUROPEAN
PARLIAMENT

Unfortunately, the European Parliament's first reading opinion adopted in March 2014 does not improve the Commission proposal, but is rather a retrograde step as regards the scope of the Directive. The definition of online "click-through" packages was weakened and the borderline between "packages" and "linked travel arrangements" has been blurred. This will introduce an element of legal uncertainty likely to cause consumer detriment.

Recommendations for the Presidency


LATVIAN
PRESIDENCY


In December 2014 it's expected under the Italian Presidency that a General Agreement will be reached in Council. We urge the Latvian Presidency to ensure that the upcoming inter-institutional discussions with the European Parliament duly takes into account the needs of consumers.


What we need to succeed

- BEUC supports a definition of package travel which covers new selling methods such as tailor-made packages, 'dynamic' packages and online 'click-through' combinations of travel services.
- The definition of 'package' should include online purchases made by linked booking processes (click-through) and where booking data is transferred between different service providers.
- A mixed harmonisation approach to the new Directive (combining minimum and full harmonisation rules) should be introduced when assessing its impact on national laws.
- Both the organiser and the retailer should be jointly liable to the consumer for performance of the 'package' contract.
- The possibility to increase prices after the conclusion of the contract should be clearly capped at 3% of the price paid. No price increases should be allowed for 'late bookings' (within 4 months of departure); the consumer should not be required to pay any fee to benefit from eventual price reductions.
- Should the contract conditions be altered by the organiser, the consumer's consent should be explicit, not implied.
- The consumer should have the right to cancel the contract without paying compensation in circumstances of force majeure (e.g. illness, accident, bereavement).
- The limitation on the obligation to provide care/assistance should be deleted.
- The right to compensation should not be excluded if the consumer does not immediately notify a lack of conformity.
- The limitation period on introducing court claims should not be shorter than 3 years (Member States being able to provide or maintain longer periods in their laws).
- The consumer should have the right to withdraw from a distance selling contract within 48 hours of the booking. Where a contract is concluded off-premises, a 14 day right of withdrawal should be introduced as stipulated for package holidays in the Doorstep Selling Directive (Directive 85/577/EEC).

BEUC's ADDITIONAL SOURCES


[Position Paper on
the Revision of the Package
Travel Directive](#)
BEUC-X-2013-082


[Position Paper on
the Revision of the Package
Travel Directive, European
Parliament first Reading
Resolution](#)
BEUC-X-2014-049


[Factsheet on
Package Travel](#)
BEUC-X-2014-093



2

Revision of the Air Passengers' Rights Regulation

Why it matters to consumers

The existing Air Passenger Rights Regulation (Regulation 261/2004) improved the status of passengers significantly by granting basic rights. However, enforcement of these rights has been toothless and inconsistent. Problems remain widespread and consumer complaints of poor compliance have risen steadily.

Passengers are often left with the sole alternative of taking legal action against non-compliant airlines, but few are able to do so. The volume of cases before the Court of Justice of the European Union (CJEU) in recent years clearly shows the need to clarify fundamental aspects of the Regulation and ensure passengers can enforce their rights more easily. However, existing rights should not be weakened and the CJEU rulings should be codified in EU law.

State of play in legislative procedure

EUROPEAN COMMISSION

BEUC gave a mixed welcome to the European Commission's proposal in spring 2013 updating Regulation 261/04 on Air Passenger Rights – our reservations centred on weakening of some existing rights (mainly compensation and accommodation in “extraordinary circumstances”).

EUROPEAN PARLIAMENT

The European Parliament's first reading opinion adopted in February 2014 significantly improved the Commission's proposal on nearly all issues. The main achievements being the prohibition of “no-show clauses” on all return flights and the exclusion of most “technical problems” from the scope of “extraordinary circumstances”, as well as more re-routing options e.g. after a delay and a subsequent missed connection.

Recommendations for the Presidency

LATVIAN PRESIDENCY

The negotiations in the Council are currently at a deadlock. Thus, we urge the Latvian Presidency to make every possible effort to unblock the negotiations as a matter of urgency and work to ensure the best outcome for European consumers, by drawing on the progress made by the European Parliament.

What we need to succeed

- Airlines should compensate passengers after 3 hours of delayed arrival as per the Sturgeon CJEU ruling.
- The right to compensation should not be dependent on the passenger's request, nor be voided should the passenger be informed of a delay or cancellation in advance.
- The new Regulation should include an outright ban on airlines denying boarding of a connecting or return flight where a passenger has not taken or has missed the outbound leg (i.e. "no-show clauses").
- Most "technical problems" should not qualify as "extraordinary circumstances".
- The general right to accommodation in extraordinary circumstances needs to be maintained or only reduced in line with the European Parliament's first reading opinion (5 days of accommodation).
- The right of passengers to file complaints with airlines should not be time limited.
- Re-routing should be granted as soon as possible and involve alternative means of transport (the 12 hour timescale should be deleted). The right to re-routing should also be granted to passengers who suffer a long delay.
- Mandatory guarantees against airline insolvencies covering the reimbursement and repatriation of passengers should be introduced, as was demanded by a European Parliament resolution.
- Passengers should have the right to transfer their tickets to another person should they not travel (as for package travellers).
- Advertised air ticket prices should include the following minimum services: check-in, provision of a boarding pass and 1 item of checked luggage.
- Aside from one item of hand luggage, passengers should have the right to carry their essential items and any airport retail purchases.
- Airlines should be obliged to adhere to Alternative Dispute Resolution systems (ADR).

BEUC's ADDITIONAL SOURCES

Position Paper: Revision of Regulation 261/04 on the Rights of Air Passengers in the Event of Denied Boarding, Cancellation and Long Delays
BEUC-X-2013-056

Position Paper: Protection of Air Passengers in Case of Insolvency of Airlines
BEUC-X-2011-105

Air Passengers Rights – Revision of Regulation 261/04 – BEUC Presentation, European Parliament Transport Committee Hearing
BEUC-X-2013-038

Factsheet on Air Passengers' Rights
BEUC- X- 2014- 092



3

The Common European Sales Law Regulation

Why it matters to consumers

Over the last 30 years the EU has developed clear consumer legal rights across Europe, in what has become known as the consumer law acquis.

The 2011 Consumer Rights Directive is the most recent component.

Deviating from this traditional and very successful approach, the European Commission proposed a Common European Sales Law regulation (CESL) of European contract law rules to sit alongside national laws, which are then to be “chosen” by the parties as the legal basis for a contract.

The CESL regime would rule out the application of national mandatory consumer rules and could allow businesses to apply lower standards of protection than those currently enjoyed by consumers in their countries. BEUC is not in favour of ‘optional’ law for consumer contracts. We hope that the new European Commission will re-consider this regulatory choice, which duplicates existing EU law and does not provide better regulation.

State of play in legislative procedure

EUROPEAN
COMMISSION

In October 2011, the European Commission published its Common European Sales Law regulation proposal (CESL) introducing a “28th regime” of law for business to consumer (B2C) contracts. Its provisions would co-exist alongside national laws and could be “chosen” by the parties as the legal basis for the contract.

EUROPEAN
PARLIAMENT

In its first reading opinion of February 2014, the European Parliament, suggested reducing the scope of the Regulation by making it applicable to e-commerce contracts (more precisely to distance selling contracts) only. BEUC believes such a reduction in scope would not help to make this optional instrument more acceptable. Instead, it underlines its redundancy as the 2011 Consumer Rights Directive already provides full harmonisation of online consumer contracts and it has been implemented across the EU as of June 2014.

Recommendations for the Presidency

LATVIAN
PRESIDENCY

Since the European Commission proposed the CESL regulation 3 years ago, negotiations in the Council of Ministers have been very slow. At this stage, many Member States have serious reservations against it. We urge the Latvian Presidency to withdraw this proposal from their work programme and the European Commission to instead propose an initiative on digital content contracts, which are insufficiently harmonised by EU law.

What we need to succeed

- European legislators should reconsider the need for this costly and time-consuming initiative and whether its objective of facilitating cross-border business for consumers cannot be met by much more effective, cheaper, swifter, less intrusive measures such as a European code of conduct for e-commerce transactions and the speedy implementation of the Consumer Rights Directive.
- The European Parliament's 'health check' of the Commission's Impact Assessment showed the Commission's methodology to be dubious and the quality and credibility of data in the most essential parts is questionable. We hope the Council will consider its results too.
- The proposed CESL, which aims to override EU private international law, is incompatible with Article 6(2) of the Rome I Regulation which guarantees the application of higher consumer protection standards. BEUC's analysis shows that the level of protection in the proposal's annex is not truly high. It does not match the higher standards set in numerous Member States on issues such as unfair contract terms or legal guarantees (e.g. the burden of proof or payment use).
- Digital content is an area in which a lack of action is causing detriment to consumer rights, as clearly shown by two European Commission studies published in 2011. The CESL proposal includes modern rules in this field, but they will only be applicable if businesses deem them advantageous. Instead, BEUC calls for a non-optional legislative Directive to harmonise contract laws for digital products.
- Instead of introducing a new era of optional regulatory EU tools, inappropriate for consumer contracts, we call on the Commission to continue modernising consumer laws by conventional methods – using full and minimum legislative harmonisation as appropriate – and completing the review of the consumer law acquis as originally envisaged.

BEUC's ADDITIONAL SOURCES

[Factsheet on Common European Sales Law](#)
BEUC-X-2013-080

[Position Paper on the European Commission's Proposal for a Common European Sales Law](#)
BEUC-X-2012-014

[Contribution to European Parliament Hearing, March 2013](#)
BEUC-X-2013-020

[Letter to European Parliament on their Impact Assessment Health Check](#)
BEUC-X-2013-035

[BEUC's Contribution to the Parliament's Legal Affairs Committee Workshop on Unfair Contract Terms](#)
BEUC-X-2012-055

[BEUC's Joint Letter with e-Commerce Europe to MEPs Calling for the Rejection of CESL](#)
BEUC-X-2014-009



4

Consumer Rights Enforcement across Europe and across borders

Why it matters to consumers

Enforcement is a major consumer policy priority for the EU, as attested by the 'EU Consumer Programme 2014 – 2020' and the European Commission's Consumer Agenda. Increasingly, European consumers face infringements of a pan-European nature and tackling such unfair commercial practices via separate national strategies is no longer an adequate option.

Giving European consumers new or better rights is not worth much if those rights cannot be enforced properly. If the Single Market is to deliver for consumers, modes must be found to effectively tackle national, cross-border and pan-European infringements and guarantee coherent results.

State of play

EUROPEAN
COMMISSION

The European Commission is rightly seeking ways to improve enforcement throughout the EU. The 2006 Consumer Protection Cooperation Regulation created a network of national enforcement authorities and gave them powers to investigate cross-border infringements. This will be reviewed in 2015. A discussion should be launched about the possibility of a more centralised European co-operation procedure, one with an active investigative and perhaps even an enforcement role for the European Commission.

MEMBER
STATES

The CPC (Consumer Protection Cooperation) Network is composed of national enforcement authorities. They co-ordinate enforcement activities and more recently also issue "joint enforcement positions" on problematic sectors for example 'in app' games or car rental services. BEUC calls on national enforcers to involve consumer organisations in this important work.

Recommendations for the Presidency


LATVIAN
PRESIDENCY


The previous European Commission had announced an 'enforcement dialogue' with stakeholders, among them consumer organisations. We hope that under the Latvian Presidency the strengthening of this enforcement dialogue will be the subject of further discussion amongst ministers and enforcement authorities and that consumer organisations will be duly involved in this important process.

What we need to succeed

- Being a prerequisite for developing a new European enforcement culture, priority should be made of valuable, constructive, relationship building and information sharing measures between consumer organisations and national enforcers.
- Consumer organisations should be considered genuine partners at national level and be involved in co-ordination work at EU level.
- In order to fight European infringements, a discussion on the European Commission's enforcement powers when it comes to consumer rights should be launched.
- The operation and visibility of the CPC network should be improved. The law infringement alert system should be made more efficient and open for consumer organisations to submit alerts. A feedback mechanism on reactions to alerts should also be introduced.
- To effectively combat cross-border infringements, national enforcers must have adequate resources and more investigative powers.
- Even more importantly, in order to complete the system, national enforcers must be enabled to facilitate redress, both individual and collective, for consumers. Consumer harm should be taken into account in the investigation and the authorities should have powers to order compensation from the infringing party to be paid to the victims.
- Alternatively CPC authorities should facilitate victims' access to justice by making their files accessible in order to allow the victims or their representatives to have evidence of the infringement and the harm caused. Fines paid to authorities, if not re-distributed to victims, should be made available for the work of consumer organisations or projects which benefit consumer organisations.

BEUC's ADDITIONAL SOURCES


Improving Enforcement
Cooperation. BEUC
Response to the
Consultation on the Review
of Consumer Protection
Cooperation (CPC)
Regulation
BEUC-X-2014-005


Additional Response to the
Consultation on the Review
of Consumer Protection
Cooperation (CPC)
Regulation
BEUC-X-2014-038


For more information:
consumerrightsandenforcement@beuc.eu



1

Insurance Mediation Directive II

Why it matters to consumers

Insurance represents an ever-increasing portion of household budgets, and can stretch to the one month's average income. However, an insurance contract is an immaterial legal product intended to cover risks which rarely occur. Hence, insurance mediation is of particular importance in helping consumers make appropriate and effective choices

State of play in legislative procedure

EUROPEAN
COMMISSION

In July 2012, the European Commission proposed a revision of the Insurance Mediation Directive, the goal being to upgrade consumer protection in the insurance sector. Key improvements included a better disclosure of the status and remuneration of the insurance seller, a prohibition of tying practices and a partial alignment with the Market in Financial Instruments Directive (MiFID) for insurance-based investment products. However, the proposal fell short in its scope as it exempted many small insurances and did not oblige intermediaries to provide consumers with a standardised product information sheet explaining the key features of an insurance contract.

EUROPEAN
PARLIAMENT

In February 2014, the European Parliament adopted its first reading opinion supporting the consumer-friendly provisions proposed by the European Commission. In contrast, the downsides meant it left many small insurances (e.g. mobile phone insurance) outside the scope of the Directive, leaving consumers without protection.

Recommendations for the Presidency


LATVIAN
PRESIDENCY


The Council's general approach adopted in November 2014 entails both positive and negative points for consumers. We urge the Latvian Presidency to lead the inter-institutional dialogue which has started under the Italian Presidency with the aim of adopting the best possible legal framework protecting consumers when taking out an insurance.

What we need to succeed

- BEUC strongly supports the fact that, according to the Council's general approach, all ancillary insurances, including small insurances such as those covering mobile phone loss, will have to comply with basic informational and conduct-of-business requirements.
- Introducing product and governance requirements (e.g. stress tests for products, target group assessment) are important in avoiding consumer detriment as it encourages insurance undertakings to create products which truly address consumers' needs.
- Tying and bundling of insurance products which hamper consumer choice and mobility should be restricted, as was set out by the original European Commission proposal and confirmed by the European Parliament amendments.
- Consumers should know what profit the salesperson makes so as to reduce the detrimental problem of conflicts of interest. Not only the nature, but also the amount of commissions and fees should be disclosed to consumers.
- Life insurance with investment elements (e.g. unit-linked contracts) deserve the same regulatory regime as other substitutable investment products covered by MiFID. In that perspective, inducements should only be allowed if they enhance the quality of the service to consumers.

BEUC's ADDITIONAL SOURCES


Position Paper on Insurance
Mediation Directive
BEUC-X-2012-105


Factsheet Small Insurances
BEUC-X-2014-041



2

Payment Services Directive and Regulation on Card Payment Interchange Fees*

Why it matters to consumers

Retail payment services are a regular feature of consumers' daily lives. Consumers should be able to rely on a wide range of secure, efficient, cheap and convenient payment options – for both face-to-face and remote transactions. The pending review of the Payment Services Directive (PSD) and Regulation on Interchange Fees (MIF) for card-based payment transactions is expected to contribute to an enhancement of competition and consumer protection in the area of retail payments.

State of play in legislative procedure

EUROPEAN
COMMISSION

In July 2013, the European Commission adopted proposals for the review of the Payment Services Directive (PSD) and the Regulation on interchange fees for card payments. The aim remains to adapt the legislation to new market developments, foster competition by creating a level playing field for all payment service providers and improve consumer rights and protection.

EUROPEAN
PARLIAMENT

The European Parliament's position on the PSD revision and Interchange Fee Regulation adopted in April 2014 took on board several amendments which would enhance consumer rights and protections. For example, consumers would be granted an unconditional right to a refund for direct debit transactions and the European Banking Authority would be mandated to issue guidelines clarifying the interpretation of "gross negligence" with respect to unauthorised payment transactions.

Recommendations for the Presidency

LATVIAN
PRESIDENCY


The Council adopted a general approach on Interchange Fees for Card Payments in November 2014 and it is expected to adopt one on Payment Services Directive at the beginning of December 2014. We urge the Latvian Presidency to continue the inter-institutional dialogue started under the Italian Presidency in order to finalise the negotiations on the Directive and Regulation to provide for payment services with a high level of consumer protection.


* This chapter was finalised on 15 December 2014, before the final Trilogue meeting in 2014 on this file.

What we need to succeed


- Ban payment surcharges at EU level. Surcharging has proven harmful to consumers and inefficient in incentivising the use of cheaper payments means.
- Provide direct debit users with an unconditional refund right for authorised and unauthorised transactions, as suggested by the European Parliament.
- Enshrine the limitation of consumer liability for unauthorised payments in law and clarify the interpretation of “gross negligence”, again as adopted by the European Parliament.
- Ensure payment service providers (PSPs) refund the amount of the unauthorised transaction on the same day as it is made aware, as proposed by the European Parliament.
- Ensure consumers’ security credentials are inaccessible to third party payment providers (PSP).
- Ensure consumers are notified when a data breach puts their personal data and security features at risk (mandatory data breach notification obligation).
- Clarify that Member States can apply the provisions of the PSD in a flexible manner to services currently excluded from its scope, such as commercial agents, limited networks and some mobile payments.
- Provide host state supervisors with powers to take measures when a PSP from another country does not comply with its duties and responsibilities.
- Adopt the interchange fee caps proposed by the Commission (0.2% and 0.3% for debit and credit cards respectively), with an option for Member States to adopt even lower caps to ensure the regulation does not harm cheap and efficient national card schemes.
- Prevent any attempt by PSPs to circumvent the rules established by the MIF Regulation, including non-EU issuance of payment cards.

BEUC’s ADDITIONAL SOURCES


Factsheet on Multilateral Interchange Fees
BEUC-X-2013-025


Position Paper on the Revision of the Payment Services Directive
BEUC-X-2013-079


BEUC Response to the Commission Green Paper Consultation ‘Towards an Integrated European Market for Card, Internet and Mobile Payments’
BEUC-X-2012-022


Position Paper on Proposed Regulation on Interchange Fees
BEUC-X-2013-077


For more information:
financialservices@beuc.eu



1

Telecoms Single Market

Why it matters to consumers

The proposal to establish a Telecoms Single Market offers a good opportunity to remove commercial barriers to a truly single market for European consumers, while improving consumer protection in the sector.

However, it carries the risk of significantly impacting the extent and quality of competition across Europe, in both fixed and mobile markets. Therefore, it is crucial that all measures proposed are carefully analysed by European legislators for their impact on consumers before the proposed Regulation is adopted.

State of play in legislative procedure

EUROPEAN
COMMISSION

The European Commission's Regulation reforming EU telecommunications legislation, issued in September 2013, is an ambitious initiative. It tackles very important consumer issues such as updating the consumer rights framework for telecoms, ending retail roaming and suggesting the principle of Net Neutrality be protected at EU level.

EUROPEAN
PARLIAMENT

In April 2014, the European Parliament adopted its first reading opinion and determined the update of the consumer rights framework in the telecoms sector should happen by way of revising the Universal Service Directive and on a minimum harmonisation basis. BEUC fully agrees with this approach. Equally importantly, the European Parliament's report is ambitious on vital issues such as protecting internet neutrality and the abolition of roaming.

Recommendations for the Presidency


LATVIAN
PRESIDENCY


We urge the Latvian Presidency to ensure the new rules are negotiated and adopted as soon as possible. The European Parliament report provides a good basis for reaching an inter-institutional agreement.

What we need to succeed


- A single telecoms market for consumers means cross-border services inside the EU, such as international long distance calls and roaming, should be offered at domestic price levels. Phasing out roaming charges can be gradual, but it should happen at a faster pace than projected and applicable to all European mobile consumers. Any limitations on the general principle must be carefully analysed and considered. Wholesale roaming fees must also be abolished or significantly reduced to avoid an undesired impact on competition.
- A thorough analysis of the impact of all proposed measures on domestic retail markets must be carried out, as companies will naturally tend to increase domestic retail prices to balance any decrease in revenue. Measures to avoid or reduce the impact of this increase must be included.
- The provisions on end-user rights, such as termination of contracts, notice periods or compensation for subsidised equipment, for example must be significantly improved. Arbitrary penalty fees, permitted by the 2009 Directive, act as a lock-in mechanism and disincentives to switching and should be eliminated from the market. An update of the Universal Services Directive is preferable to a Regulation in order to respect national specificities and allow Member States to have more flexibility to respond to new abuses which may arise in future.
- The Articles which guarantee access to an open and neutral internet must be significantly improved in the European Commission's proposal. The prohibition on discrimination between internet traffic must apply to all traffic, not just some. The definition of "specialised services" must be made clearer to ensure internet content is not separated and sold at a premium rate.
- The provisions which aim to shield a 'best-efforts' internet market from unwarranted access from specialised services must be strengthened. The text adopted in the European Parliament should be used as the basis for discussion and be complemented by further provisions on issues related to positive discriminations and zero-rating of specific internet content.
- Further analysis is needed on how the proposed Regulation affects investments in broadband infrastructure and how it can be ensured that sufficient broadband investments are dedicated to internet access services.

BEUC's ADDITIONAL SOURCES


Factsheet:
BEUC Key Issues
[BEUC-X-2014-020](#)


Position Paper:
BEUC Key Issues for Council
[BEUC-X-2014-048](#)


Telecoms Single Market
– Achieving a Connected
Continent
[BEUC-X2013-081](#)


Joint Statement in
Defence of Net Neutrality
Amendments
[BEUC-WEB-2014-016](#)



2

Data Protection Directive

Why it matters to consumers

Digital information technologies and the emergence of new services, although beneficial to consumers, also represent a major challenge to their fundamental rights of privacy and personal data protection. It is important to provide consumers with a secure digital environment they can trust, including effective control of their personal data.

State of play in legislative procedure

EUROPEAN COMMISSION

In January 2012, the European Commission proposed a Regulation to replace the current 1995 Directive, aiming to ensure a uniform set of rules across Europe, while strengthening the rights of individuals and facilitating the flow of personal data across borders. BEUC welcomes the numerous positive elements of the proposed Regulation.

EUROPEAN PARLIAMENT

In March 2014, the European Parliament adopted the first reading opinion almost unanimously. The outcome of the Parliament's vote was positive as MEPs strengthened key provisions of the proposal. In particular, the definition of personal data remains broad, while the new rules will apply to all companies offering services to EU consumers or monitoring their behavior. The principles for processing, including transparency data minimisation and purpose limitation, have been strengthened. The rights to data portability and erasure have been maintained. The European Parliament has also introduced strong safeguards with regards to the transfer of data to third countries while they also established multiple means for consumer redress.

Recommendations for the Presidency

LATVIAN PRESIDENCY

We urge Latvia do its utmost to achieve an agreement on a general approach as soon as possible and avoid any delay with this urgently needed legislative proposal for the welfare of European citizens and a well-functioning Digital Single Market.


The Parliament report provides a good basis for an inter-institutional agreement to be reached.

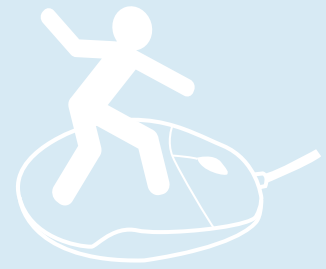
What we need to succeed

- The European Parliament has adopted a definition of personal data which is sufficiently broad and flexible in light of the rapidity of ICT developments. “Pseudonymised” data should not be exempt from the scope of the Regulation as it relates to identifiable individuals and therefore falls within the scope of the draft Regulation.
- The Council should not transform “legitimate interests” into a catch-all category. They should only be a last resort i.e. when no other legal grounds are available and the data controller should prove its interests override those of the data subject.
- As regards the principle of purpose limitation, the European Data Protection Board should be entrusted with the task of defining criteria to assess the compatibility of further processing with the original purpose for which data was collected.
- When subjected to profiling measures, the Council should ensure that consumers are informed of the possible consequences and effects this could have on them. Consumers should at all times be able to object to the processing of their personal data for profiling purposes. Furthermore, the legitimate interests of the controller cannot be accepted as legal grounds for profiling.
- The dual system of notification of data breaches needs to be maintained, according to which all breaches must be notified to the data protection authorities while only those breaches which adversely affect the protection of personal data and privacy should be notified to individuals.
- The Council should support the introduction by the Parliament of an amendment allowing for judicial collective actions for compensation for harm or loss suffered in the wake of data protection infringements.

BEUC's ADDITIONAL SOURCES


Position Paper:
Data Protection
[BEUC-X-2012-039](#)


EU Data Protection Day -
Key Messages
[BEUC-X-2013-007](#)



3

Intellectual Property Rights Enforcement

Why it matters to consumers

Consumers are never quite sure what is legal and illegal under current copyright law. Instead of giving priority to reforming the substantive copyright law, the European Commission is further strengthening the enforcement of Intellectual Property Rights (IPR) legislation with the aim of promoting voluntary measures which put internet providers in the role of internet police. The impacts on consumers' fundamental rights and freedoms are significant and needs to be reflected upon in policy discussions.

State of play in legislative procedure

EUROPEAN COMMISSION

On July 2014, the Commission adopted an Action Plan on the enforcement of Intellectual Property Rights (IPR). The Action Plan calls for the adoption of voluntary measures for IPR enforcement outside the rule of law and for intermediaries to implement proactive measures to prevent infringements despite the ban of such measures in the e-Commerce Directive.

EUROPEAN PARLIAMENT

The European Parliament is currently working on a resolution on the Action Plan.

Recommendations for the Presidency


LATVIAN PRESIDENCY

We urge the Latvian Presidency to ensure that the Council conclusions on the European Commission's Action Plan stress the need for proportionate enforcement that respects the fundamental rights and freedoms of consumers – namely the right to the presumption of innocence, to a fair trial and the confidentiality of communications.

What we need to succeed

- There is no evidence that Directive 2004/48 on the Enforcement of Intellectual Property Rights needs revision. The feedback on the implementation of the Directive has been limited due to its late transposition and the small number of court cases. Furthermore, the Commission has yet to carry out an assessment of the impact of the Directive on innovation and the development of the information society, as explicitly requested by Article 18 of the Directive.
- A clear distinction between organised criminal groups infringing IPR for significant profit and individual users engaging in file-sharing for personal use is needed. A definition of “commercial scale” infringement cannot be agreed by private stakeholders without public debate and scrutiny.
- With countless new opportunities arising from the ways in which content is now accessed and distributed, the need to rethink the substantive European legal framework has arisen. This requires achieving a fair balance between the different stakeholders, promoting innovation and cultural diversity.
- Copyright law must balance the incentive to create with granting access to works. From the consumer point of view, the current copyright framework is far from balanced. A number of permitted uses of copyright-protected material are only allowed as exceptions and limitations to the copyright owners’ exclusive rights.
- Identifying alleged infringers should only be permissible in line with the European Charter and all conditions in the IPR Enforcement Directive and the Data Protection Directive. The personal information of online users must only be disclosed to public law enforcement authorities. Disclosure of users’ information to third parties is incompatible with data protection rules.
- The current rules on liability of intermediaries as outlined in the e-Commerce Directive and the Directive 2004/48 on IPR enforcement have proven effective and therefore should be maintained. It is crucial to ensure the “mere conduit” principle is safeguarded i.e. internet providers can only act upon specific orders by a court. A simple warning by copyright owners that specific content is allegedly infringing copyright should never be considered conclusive evidence and entail the liability of the internet provider.
- A wide interpretation of the provision on injunctions which requires ISPs to monitor content and prevent future infringements conflicts with the prohibition on general monitoring outlined in Article 15 of the e-Commerce Directive. Therefore it should be rejected.

BEUC’s ADDITIONAL SOURCES


[BEUC Response to the Public Consultation on the Assessment of the IPR Enforcement Directive](#)
[BEUC-X-2011-041](#)


[BEUC Copyright Strategy brochure – How to Make Copyright Work for Both Creators & Consumers](#)
[BEUC-X-2012-98](#)


[For more information: digital@beuc.eu](mailto:digital@beuc.eu)



1

Food Safety: Antibiotic Resistance

Why it matters to consumers

Antibiotic resistance is a major public health threat triggered by the inappropriate use of antibiotics in both human and veterinary medicine. Without antibiotics common infections might become deadly again and complex interventions such as surgery would become more hazardous.

We need antibiotics which work and to achieve this it is critical to ensure antibiotics are used in a responsible way. The misuse and overuse of antibiotics at farm level must be addressed, especially as they are often given to healthy animals. It is a source of concern that BEUC members found a high prevalence of antibiotic resistant bacteria in raw meat products.

State of play

EUROPEAN
COMMISSION

In September 2014, the European Commission published two legislative proposals addressing antibiotic resistance: a revision of legislation on veterinary medicines and medicated feed. If the primary objective of this revision is to increase the availability of veterinary medicinal products and reduce administrative burden, it also aims to assess the possibilities for improving response to antimicrobial resistance. This initiative is part of the European Commission Action Plan on Antimicrobial Resistance which was issued in 2012.

EUROPEAN
PARLIAMENT

The responsible European Parliament Committee for the proposal on veterinary medicines is ENVI (Environment, Food Safety and Public Health), while the AGRI Committee (Agriculture) is responsible for the proposal on medicated feed. A first reading opinion is expected by the spring 2015. In 2012 the European Parliament already adopted an own-legislative report on antimicrobial resistance urging EU institutions to come up with ambitious proposals and called for a phase out of the preventive use of antibiotics in farm animals.

Recommendations for the Presidency


LATVIAN
PRESIDENCY


We urge the Latvian Presidency to put antibiotic resistance and the revision of the veterinary medicines and medicated feed proposals high on the Council's agenda in order to achieve agreement quickly. Public health and consumer safety should always prevail over economic interests and trade issues.

What we need to succeed

- As antibiotic resistance knows no borders, we need strong EU-wide rules limiting the use of antibiotics to sick animals and restricting the use of antibiotics among livestock critically important for treating people. We want European consumers to be reassured that antibiotic use in livestock is strictly regulated. Antibiotic resistant bacteria can threaten consumers' health via many transmission pathways, including food.
- The European Commission proposals are unsatisfactory because they do not prohibit prophylaxis – when healthy animals are given antibiotics. The proposals need improvement – by making sure strict usage restrictions apply for those antibiotics we must urgently limit to treat human diseases. In addition, it is critical to ensure the criteria used to define which antimicrobials cannot be used off-label (use for unapproved indication and/or species) are detailed in the Regulation itself and not decided at a later stage via delegated or implementing acts.
- New EU provisions should not deter Member States from setting tougher rules to restrict the use of certain antibiotics in livestock.

BEUC's ADDITIONAL SOURCES


Position Paper:
Antibiotic use in livestock:
Time to act
BEUC-X-2014-043


BEUC campaign page
'Can We Trust Our Meat?'
– Part II on Antibiotic
Resistance



2

Official Controls on the Application of Food and Feed Law

Why it matters to consumers

Official controls guarantee the food consumers buy and eat is safe and wholesome. Only independent controls based on sufficient funding will ensure the highest possible standards are met. As food fraud is on the rise it is also critical to ensure adulterated food is covered by the new provisions. Eventually tough penalties should be in place to prevent, dissuade and punish those who take risks and harm consumers' health and confidence in the food chain.

State of play in legislative procedure

EUROPEAN COMMISSION

In May 2013, the European Commission published its proposal for a Regulation on Official Controls on food and feed laws laying down the rules on how Member States should carry out controls. The European Commission proposed more sustainable financing of controls by mandatory fees for all businesses – with an exemption for micro-enterprises. Until now only certain parts of the chain were subjected to fees. The European Commission also proposed minimum penalties for fraudsters.

EUROPEAN PARLIAMENT

The first reading of the European Parliament in April 2014 suggests more unannounced controls, tougher penalties for fraudsters and multiple references to food fraud and consumer expectations regarding the nature, quality and composition of foods. However, MEPs did not support the European Commission proposal to set mandatory fees. Instead they introduced flexibility so that Member States can choose to finance controls either by way of fees or taxes. Another disappointing addition is the extension of exemptions to fund controls to small enterprises while the European Commission's proposal is to limit exemptions to micro-enterprises. As such, 90% of businesses will be exempt from contributing to costs and only a small share of food businesses will provide funding to food authorities.

Recommendations for the Presidency


LATVIAN PRESIDENCY

We ask the Latvian Presidency to do its utmost to find an agreement which fully takes consumers' concerns into account and ensures the speedy advance and adoption of the proposal. While the Italian Presidency achieved good progress on most of the issues, it is now urgent to find agreements on the last contentious points such as funding of controls and meat inspection.

What we need to succeed

- The impartiality, quality and consistency of controls and the independence of the authorities in charge of them need to be ensured. The European Parliament stressed the importance of independent and adequately funded controls and we urge the Council to reflect on this. By contrast, any proposal to delegate certain meat inspection tasks to slaughterhouse staff could severely undermine consumer confidence in meat safety. It is also critical to find an agreement on the financing of controls that ensures Member States the adequate resources to perform controls.
- Tough penalties for fraudsters need to be agreed. The European Commission's proposal that penalties only equal the economic gain sought from the fraud is not deterrent enough and should be reshaped. It should at the very least reflect the European Parliament's view that penalties should be double the amount sought from fraudulent activities. Greater transparency is needed also and Member States should be encouraged to publish the results of controls and display individual operator's rates.
- We need to keep Official Controls and food fraud high on the EU agenda. These two issues should not be considered separately and the Official Controls proposal should address the risk of fraudulent practices and make preventing food fraud a key priority. We call for the adoption of a joined up and coherent approach to food fraud and ask the European Commission to assess the possibility of having an EU-wide definition of food fraud.

BEUC's ADDITIONAL SOURCES


Position Paper:
EU Proposal for a Review
of Official Controls
BEUC-X-2013-050



3

Food Information: Country of Origin Labelling (COOL) of processed meat products

Why it matters to consumers

Recent years have seen a growing interest among EU consumers in knowing the origin of their food. As many as 90% of Europeans want to know where the meat on their plates comes from, whether sold fresh as a cutlet or an ingredient in foods (e.g. sausages, nuggets, ready-meals).

Recent frauds have reinforced consumer demand for a more transparent food supply chain. Currently, origin labelling is only compulsory for fresh beef meat with the labelling of the animal's country of birth, rearing and slaughter. From April 2015 onwards, fresh meat from pig, poultry, sheep and goat must indicate the animal's country of rearing and slaughter (regrettably, not the birthplace). But if meat is used as an ingredient in processed foods, consumers will still have no clue of its origin.

State of play

EUROPEAN COMMISSION

In December 2013, the European Commission published a report on mandatory origin labelling of processed meat. The report presents different scenarios and their associated costs, but BEUC has questioned its reliability. A legislative proposal is needed to progress this important issue. By December 2014, the Commission is also due to publish reports on the feasibility of mandatory COOL of milk, milk used in dairy products, single-ingredient foods, unprocessed foods and foods' primary ingredient(s).

EUROPEAN PARLIAMENT

The European Parliament is expected to draft a resolution on processed meat origin labelling providing its opinion on the Commission report and the need for follow-up legislation. MEP De Lange's own-initiative report on food fraud adopted in January 2014 recognises the role COOL can play in making the food chain more transparent and less vulnerable to fraudulent activities.

Recommendations for the Presidency

LATVIAN PRESIDENCY


We call on the Latvian Presidency to keep processed meat origin labelling on the Council agenda, facilitate discussions and conclusions among Member States by requesting the Commission to set up an expert working group. Indeed the March 2014 Agriculture Council meeting showed that while Member States are divided on the issue, a majority would welcome further refined scenarios and options before making up their mind on the need (or not) for legislative proposals on COOL for processed meat.


Additionally, we urge the Latvian Presidency to devote sufficient time in the Council's agenda to discuss the Commission reports on COOL for milk, milk in dairy, and other food categories.


What we need to succeed

- We want the 70% of Europeans who find it important to know where their food (90% in case of meat) comes from to be listened to. Origin labelling must become compulsory for meat used as an ingredient. As for the other foods for which feasibility reports are pending (including milk, milk used as an ingredient in dairy, unprocessed foods, single-ingredient foods and ingredients which constitute more than 50% of a food), origin information must also be improved in light of the Commission report's findings.
- The European Commission should table legislative proposals making origin labelling compulsory for meat used as an ingredient.

BEUC's ADDITIONAL SOURCES


Factsheet:
Origin labelling on food
BEUC-X-2013-005


Where does my food come from? – BEUC consumer survey on origin labelling of food
BEUC-X-2013-006


BEUC campaign
'Where is my meat from?'



4

Animal Cloning for Food

Why it matters to consumers

EU consumers overwhelmingly disapprove of the use of cloning for food production, as reflected by two Eurobarometer surveys (2008 and 2010). A majority of Europeans said it was unlikely they would buy meat or milk from cloned animals (regardless of whether safe or not to eat) and 83% said they would want food from the offspring of cloned animals to be labelled if it became available in the EU. Cloning was the stumbling block when institutional negotiations on the Novel Foods regulation collapsed back in 2011.

State of play in legislative procedure

EUROPEAN COMMISSION

In December 2013, the European Commission published two legislative proposals dealing with the use of cloning for food production and the sale of food from clones on the European market (in parallel to a third proposal for a regulation on Novel Foods, with cloning now explicitly excluded from its scope). Whilst they prohibit the cloning of animals for food supply in the EU, the proposals do not address the critical issue of food from the progeny (offspring and descendants) of cloned animals, though the latter is the most likely to end up on consumers' plates.

EUROPEAN PARLIAMENT

While the first reading procedure on the cloning proposals is yet to start in the European Parliament, MEPs had already repeatedly voiced concerns on the Commission's proposals (draft Motion for a Resolution on cloning of animals for food supply adopted in ENVI on 20 February 2014). Not only are they dissatisfied with the content, but MEPs also question the legal basis of the proposal dealing with food from clones as it only gives them the possibility to approve or reject the text, but not amend it. In relation to the proposed review of the regulation on Novel Foods, the lead Parliamentary Committee in November 2014 voted to send the proposal back to the drawing board and called on the European Commission to present cloning proposals which are more in line with consumers' expectations.

Recommendations for the Presidency


LATVIAN PRESIDENCY

We urge the Latvian Presidency to work towards improving the European Commission's proposals on cloning as they fall short of European consumers' expectations. The European Commission's proposal on Novel Foods excludes cloning from its scope. In the regrettable event that the proposals on novel foods and cloning would not progress in parallel, there would be a risk that the new Novel Food Directive would be adopted without any rules on cloning. We call on the Latvian Presidency to ensure cloning and food from clones do not end up in a legal vacuum by introducing appropriate transitional measures in the novel foods text if necessary.

What we need to succeed

- EU consumers should be able to make an informed choice when it comes to purchasing and consuming food from cloned animals' offspring and descendants. A full, compulsory traceability system of clones, their reproductive material, their offspring and descendants should be established as well as labelling rules for food derived therefrom.
- At a minimum, we wish to see the reintroduction of the package of measures on which the Council and European Parliament could have agreed back in 2011, including traceability of clone reproductive material, live offspring and food derived from such as well as labelling requirements for fresh meat from cloned cattle offspring.
- Ongoing trade negotiations should not be an obstacle to adopting EU legislation on cloning which meets consumers' demand for transparency on how their food is produced.

BEUC's ADDITIONAL SOURCES


Position paper:
[EU Consumers Have Little
Appetite for Cloning](#)
BEUC-X-2014-076


For more information:
food@beuc.eu



1

Revision of the General Product Safety Directive

Why it matters to consumers

Unsafe consumer products which require recall, including products bearing the CE marking, are often found on the European market. They pose an avoidable risk to health and safety of consumers. An update of the current EU product safety rules was therefore overdue to ensure consumers' wellbeing.

State of play in legislative procedure

EUROPEAN
COMMISSION

In February 2013, the European Commission proposed a Consumer Product Safety Regulation (CPSR) and a Market Surveillance Regulation (MSR). This package contains important innovations to enhance product safety in the internal market, such as rules on more effective product traceability throughout the supply chain.

EUROPEAN
PARLIAMENT

The European Parliament adopted its first reading opinion on the package of both proposals in April 2014, which included several positive elements such as the setting up of an EU-wide incident and injury database, stronger sanctions and penalties against liable traders and producers. They also strengthened the precautionary principle which ensures withdrawing potentially unsafe products from the market based on a justified assumption that a product is dangerous. The European Parliament maintained the controversial obligation for a mandatory country of origin labelling.

Recommendations for the Presidency

LATVIAN
PRESIDENCY

In the Council of Ministers, negotiations are at a stalemate due to Member States' divergent opinions on 'country of origin' labelling for products, which is neither a safety related topic nor a priority for consumers and could be safely taken out of the proposal. The results of a study about the impact of country of origin labelling of products are expected for early 2015. The Latvian Presidency will thus have a crucial role to play in working towards a solution for a quick adoption of the overall package. We urge the Presidency to try to achieve the highest protection for European consumers.

What we need to succeed

- BEUC calls for the precautionary principle to be made a cornerstone of both the regulations on consumer product safety and market surveillance. Policymakers need to be able to act to prevent dangers, even in the absence of absolute scientific proof. We insist that in managing risk, the final decision on an “acceptable” level of risk must remain a political responsibility. This principle should be clearly re-introduced in the Regulation.
- The focus of the revision should be on the most effective traceability instruments such as indicating a batch, type or serial number; indicating the full address of the manufacturer and importer on the product or packaging; implementing the ‘one up one down principle’ as exists with food and empowering the Commission to adopt additional traceability requirements in certain justified cases.
- Equipment and machines on which consumers ride or travel e.g. amusement park rides should be included within the scope of the Consumer Product Safety Regulation (CPSR).
- Product-specific legislation which addresses environmental issues such as the EU Ecolabel Regulation, the EU Ecodesign Directive and the EU Energy Label Directive should be included in the scope of the Market Surveillance Regulation (MSR).
- Business secrets cannot prevail over the need to inform consumers without delay of serious risk. Market surveillance authorities need to adequately warn consumers without delay and publish all relevant information needed to identify a product and the risk involved.
- Penalties need to be proportionate to the infringement, not to the size of the company.
- An EU-funded accident statistics system and a European complaint handling/reporting point should be established.
- Products with child-appealing characteristics must be safe for children to use or touch under all conditions of use.

BEUC's ADDITIONAL SOURCES


BEUC/ANEC Position Paper
on Market Surveillance
of Products
BEUC-X-2013-033


BEUC/ANEC Position Paper
- Consumer Product Safety
Regulation
BEUC-X-2013-034



2

Chemicals which disturb the Hormonal System

Why it matters to consumers

Each day we come in close contact with an enormous range of man-made chemicals. We use skin creams with parabens, computers with brominated flame retardants and plastic kitchen tools with Bisphenol A (BPA).

Many chemicals are found in consumer products and are known to disturb the hormonal system, in particular when exposure takes place during crucial stages of development such as amongst pre-natal women. Exposure to a multiplicity of chemicals in everyday life is of particular concern, as the EU regulatory framework largely neglects the 'chemical cocktail effect' and assesses safety on a chemical-by-chemical approach.

State of play

EUROPEAN
COMMISSION

In May 2012, the Commission published a Communication on the combination effects of chemicals. Yet, the Commission's ongoing review process of its EU strategy on endocrine disruptors (EDC) has still not been finalised. We hope that the new Commission will relaunch the work on this strategy as has been announced in the 7th Environment Action Programme.

EUROPEAN
PARLIAMENT

The European Parliament adopted an own initiative report on protecting public health from endocrine disruptors in March 2013.

Recommendations for the Presidency


LATVIAN
PRESIDENCY


We call on the Latvian Presidency to facilitate an in-depth discussion, one which takes into account the European Parliament report, on how consumers can effectively be protected from hazardous endocrine disruptors as soon as the future EU strategy on endocrine disruptors is published.


What we need to succeed

- Exposure to endocrine disrupting chemicals should be reduced. Thereby, chemicals with endocrine disrupting properties must be restricted and phased out. Safe alternatives must be used where they exist.
- A science-based definition for “endocrine disruptor” which is coherent and applicable to all existing and future EU legislation is needed.
- Under REACH, the role of authorities is to evaluate registered substances and propose appropriate risk management measures. When screening the registrants’ chemical safety assessments, authorities should consider not only the information of the REACH dossier, but also take into account any other available information in assessing whether the substance is (potentially) endocrine disrupting.
- EDCs which have been identified as Substances of Very High Concern (SVHCs) should be included in Annex XIV of the REACH regulation. Consequently these substances would need authorisation.
- As part of the EU strategy on endocrine disruptors, the European Commission identified a priority list of substances for further evaluating their role in endocrine disruption. However, this list was established several years ago and is therefore in need of updating and taking into account REACH registration dossiers and newly available data.
- Risk assessment and risk management methods have to be updated to take into account low-dosage effects of EDCs as well as the combined effect of different chemicals.
- More EU-funded research is needed in order to understand the complexity of the endocrine system better and the effects of endocrine disrupting chemicals on human health and the environment.

BEUC’s ADDITIONAL SOURCES


Factsheet on
Endocrine Disrupting
Chemicals
BEUC-X-2011-039


Position paper:
BPA Should be Phased Out
from Consumer Products
BEUC-X-2011-038


‘Top 10 Actions MEPs can
undertake to lower the
exposure of consumers
and of the environment
to Endocrine Disrupting
Chemicals’
BEUC-X-2011-040


For more information:
sustainability@beuc.eu



1

Towards a Resilient, Consumer-centric Energy Union

Why it matters to consumers

The energy sector is embarking on a period of profound changes in the ways energy is produced, transported, commercialised and consumed. At the same time, the increasing price of energy is one of consumers' main concerns, while their trust in the energy industry is at an historic low. As the sector undergoes transformations on many levels, consumers must not be left behind and should be put at the centre of a future Energy Union and design plans for the energy market.

State of play

EUROPEAN
COMMISSION

The Commission is expected to launch its strategy for a future Energy Union in early 2015. BEUC calls on the European Commission to put forward proposals which ensure all EU consumers are provided with secure, sustainable, affordable and reliable energy supply. BEUC strongly believes Commission proposals should focus on making energy markets easily manageable, more transparent while offering real choice and competing prices to consumers so they can trust the market and be more empowered to act if they so wish.

Moreover, following the agreement on the '2030 climate and energy policy framework', reached by the European Council in October 2014, BEUC calls on policy makers to ensure energy and climate policies are built on the most long-term and cost-effective solutions, while keeping energy services affordable.

MEMBER
STATES

BEUC calls on Member States to ensure complete transposition of internal energy market legislation. Moreover, EU legislators approved the Energy Efficiency Directive in 2012 and despite the implementation deadline having already passed, only a small number of Member States have declared full transposition. Therefore, Member States should focus on ambitious implementation of the Energy Efficiency Directive and ensure energy efficiency measures are supported by appropriate incentives and properly audited.

Recommendations for the Presidency

LATVIAN
PRESIDENCY

We encourage the Latvian Presidency to ensure in-depth discussions on the proposals of the new European Commission, especially the strategy for the Energy Union as well as proposals implementing the 2030 climate and energy policy framework and improving the retail market functioning. We call on the Latvian Presidency to encourage European policymakers to act so that energy supply is secure, sustainable, affordable and reliable and consumers can enjoy easily manageable energy markets and make sustainable choices.

What we need to succeed

- Energy is an essential commodity needed by consumers every day, so energy policies must be built on the principle of affordability.
- The internal energy market must be completed to allow consumers to reap the benefits of truly competitive, consumer-friendly energy markets, delivering real choice.
- Energy companies must move away from the monopolistic mentalities of the past and realise that in a competitive market they need to both gain and retain consumers by providing more affordable, reliable services which give value for money. In this respect, consumer rights need to be strengthened and guaranteed.
- Consumers need to be able to make well-informed choices between the products and services offered by various energy suppliers. Energy markets must be easily manageable for consumers so they can trust the market and be more empowered to act if they wish to do so.
- Investments in energy efficiency solutions should be made in a cost-effective way, the schemes be transparent and properly audited so that energy savings are delivered to consumers.
- An ambitious European transport policy must improve the energy efficiency of cars, provide transparent information to consumers about 'real life' fuel consumption rates and strengthen the integration and use of different transport modes.
- Distributional impact assessments of EU and national policies among different social groups are needed to ensure benefits are delivered to all consumers.
- Consumers need to be given the choice of whether or not they participate in new programmes and schemes, for example smart metering or demand response.
- Greater transparency and efficiency is required to manage the costs and the risks to consumers of investment in the development of innovative new technologies and networks.

BEUC's ADDITIONAL SOURCES

Position paper on Consumer Rights in the Energy Sector
[BEUC-X-2013-083](#)

Position paper on the Energy Efficiency Directive
[BEUC-X-2011-115](#)

Consumer Input to the European Commission Public Consultation on Retail Energy Market
[BEUC-X-2014-026](#)

ANEC/BEUC Reply to Public Consultation on the Review of Progress Towards the 2020 Energy Efficiency Objective and a 2030 Energy Efficiency Policy Framework
[BEUC-X-2014-028](#)

Factsheet on CO₂ Emissions of Cars
[BEUC-X-2012-074](#)

BEUC and CEER Joint Vision for Europe's Energy Customers
[BEUC-WEB-2012-004](#)

Sustainable Mobility for Consumers Now and in the Future
[BEUC-X-2014-091](#)

For more information:
energy@beuc.eu



1

Medical Devices Regulations

Why it matters to consumers

Medical devices – from contact lenses to pacemakers to pregnancy test kits – are features of many consumers' daily lives and this broad range of products contribute significantly to health and wellbeing. Recent scandals like the PIP breast implants or the metal on metal hip implants case clearly exposed loopholes in the current regulatory framework and the urgent need to increase safety standards and restore consumers' confidence in medical devices.

State of play in legislative procedure

EUROPEAN
COMMISSION

In September 2012, the European Commission presented its proposals revising the EU's legislation on medical devices with the aim of simplifying and strengthening the existing rules to the benefit of consumers and healthcare professionals. The package includes regulations on medical devices and in vitro diagnostic devices, as well as a Commission Communication on safe, effective and innovative medical devices.

The Commission proposals introduce several improvements to the current regulatory framework especially with regard to the post-market surveillance, but they fall short in ensuring medical devices are thoroughly assessed before they make it onto the market.

EUROPEAN
PARLIAMENT

The amendments voted by the European Parliament in its plenary session in April 2014 introduced significant improvements to the Commission proposals especially regarding consumer information, market surveillance, ethics and transparency.

Recommendations for the Presidency


LATVIAN
PRESIDENCY


Despite the progress achieved under the Italian presidency, an agreement was not reached in the Council of ministers. Therefore, we urge the Latvian Presidency to do its utmost to strengthen the requirements for pre-market assessment and ensure improvements adopted by the European Parliament will be taken on board in the future Council position

What we need to succeed

- All medical devices on the market must have a positive risk/benefit ratio and bring therapeutic benefit to patients.
- The definition of “performance” should be adapted to include assessment of clinical effectiveness.
- Manufacturers should be required to produce more and better clinical data; conduct randomised, controlled trials whenever possible to demonstrate a medical device’s safety and effectiveness before being placed on the market.
- Introduce centralised pre-market assessment for a limited number of high-risk devices done by a new medical devices committee within the European Medicines Agency (EMA).
- Improve the functioning of the notified bodies promoting specialisation and excellence as recommended by the European Parliament.
- Apply a consistent, risk-based approach for the classification of all devices.
- Set up a multidisciplinary expert group with binding power for a consistent classification of borderline products (e.g. food supplements, medicines, herbal preparations) across the EU.
- Provide consumers with high quality, comprehensive, understandable and user-tested information for all devices.
- Guarantee the meaningful involvement of consumers in market surveillance.
- Provide competent authorities with adequate resources to ensure proper enforcement.

BEUC’s ADDITIONAL SOURCES


Position Paper
on Medical Devices
BEUC-X-2013-031


Position Paper on
the Revision of the
EU Legislation on
Medical Devices
BEUC-X-2012-058


For more information:
health@beuc.eu



- AT - Verein für Konsumenteninformation - VKI
- AT - Arbeiterkammer - AK
- BE - Test-Achats/Test-Aankoop
- BG - Bulgarian National Association Active Consumers - BNAAC
- CH - Fédération Romande des Consommateurs - FRC
- CY - Cyprus Consumers' Association
- CZ - dTest - Czech Consumers' Association
- DE - Verbraucherzentrale Bundesverband - vzbv
- DE - Stiftung Warentest
- DK - Forbrugerrådet Tænk
- EE - Estonian Consumers Union - ETL
- EL - Association for the Quality of Life - E.K.PI.ZO
- EL - Consumers' Protection Center - KEPKA
- ES - Confederación de Consumidores y Usuarios - CEUCU
- ES - Organización de Consumidores y Usuarios - OCU
- FI - Kuluttajaliitto - Konsumentförbundet ry
- FI - Kilpailu- ja kuluttajavirasto - KKV
- FR - UFC - Que Choisir
- FR - Consommation, Logement et Cadre de Vie - CLCV
- HU - National Association for Consumer Protection in Hungary - OFE
- HU - National Federation of Associations for Consumer Protection in Hungary - FEOSZ
- IE - Consumers' Association of Ireland - CAI
- IS - Neytendasamtökin
- IT - Altroconsumo
- IT - Consumatori Italiani per l'Europa - CIE
- LU - Union Luxembourgeoise des Consommateurs - ULC
- LT - Alliance of Lithuanian Consumer Organisations
- LV - Latvian National Association for Consumer Protection - PIAA
- MK - Consumers' Organisation of Macedonia - OPM
- MT - Għaqda tal-Konsumaturi - CA Malta
- NL - Consumentenbond
- NO - Forbrukerrådet
- PL - Federacja Konsumentów
- PL - Stowarzyszenie Konsumentów Polskich - SKP
- PT - Associação Portuguesa para a Defesa do Consumidor - DECO
- RO - Association for Consumers' Protection - APC Romania
- SE - The Swedish Consumers' Association
- SI - Slovene Consumers' Association - ZPS
- SK - Association of Slovak Consumers - ZSS
- UK - Which?



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