

I

(Information)

COUNCIL

COUNCIL RESOLUTION

of 19 May 1981

on a second programme of the European Economic Community for a consumer protection and information policy

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, pursuant to Article 2 of the Treaty, the task of the European Economic Community is to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion and an accelerated raising of the standard of living;

Whereas the improvement of the quality of life is one of the tasks of the Community and as such implies protecting the health, safety and economic interests of the consumer;

Whereas fulfilment of this task requires a consumer protection and information policy to be implemented at Community level;

Whereas the Heads of State or of Government, meeting in Paris on 19 and 20 October 1972, confirmed this requirement by calling upon the institutions of the Communities to strengthen and coordinate measures for consumer protection;

Whereas the Council Resolution of 14 April 1975 provides for the implementation of a preliminary programme of the European Economic Community for a consumer protection and information policy ⁽⁴⁾;

Whereas the aims and principles of this policy have already been approved by the Council;

Whereas the preliminary programme of 14 April 1975 should be brought up to date to ensure the continuity of the measures already undertaken and enable new tasks to be undertaken in the years 1981 to 1986;

Approves the guidelines set out in the annexed action programme;

Notes that the Commission will submit suitable proposals for the effective implementation of the programme;

Undertakes to act on these proposals, if possible within nine months of the date on which they are forwarded by the Commission or, if the case arises, of the date on which the opinions of the European Parliament and the Economic and Social Committee are forwarded.

⁽¹⁾ OJ No C 218, 30. 8. 1979, p. 3.

⁽²⁾ OJ No C 291, 10. 11. 1980, p. 35.

⁽³⁾ OJ No C 83, 2. 4. 1980, p. 24.

⁽⁴⁾ OJ No C 92, 25. 4. 1975, p. 1.

ANNEX

Second programme of the European Economic Community for a consumer protection and information policy

I. INTRODUCTION

1. The adoption by the Council on 14 April 1975 of a preliminary four-year programme of the European Economic Community for a consumer protection and information policy was the first stage in the Community's measures on behalf of consumers.

Measures taken or scheduled in accordance with the preliminary programme contribute towards improving the consumer's situation by protecting his health, his safety and his economic interest, by providing him with appropriate information and education, and by giving him a voice in decisions which involve him.

Very often these measures have also resulted in either eliminating non-tariff barriers to trade or harmonizing the rules of competition by which manufacturers and retailers must abide.

2. The purpose of this programme is to enable the Community to continue and intensify its measures in this field and to help establish conditions for improved consultation between consumers on the one hand and manufacturers and retailers on the other.

This programme, for which it is appropriate to envisage a duration of five years if it is to be fully implemented, retains in its entirety the inspiration, objectives and underlying principles of the first. Like its predecessor, it is primarily concerned with the need to enable the consumer to act with full knowledge of the facts, and to hold the balance between market forces. To do this, he must be able to exercise the five basic rights which the preliminary programme conferred on him. They are:

- the right to protection of health and safety;
- the right to protection of economic interests;
- the right of redress;
- the right to information and education; and
- the right of representation (the right to be heard).

3. Nevertheless in the current difficult economic situation, a situation characterized by a slowdown in incomes growth, continuing unemployment, and the various economic consequences of the energy dependence which affects most Member States, consumers are obliged to pay more attention to the way in which they use their income, particularly as regards the quality of goods and services bought, so as to derive the maximum benefit from it. Very special importance therefore attaches in this context to action relating to consumer protection with regard to the quality of goods and services, the conditions affecting their supply, and the provision of information about them. It follows, moreover, that, where appropriate, more attention than previously must be given to two questions which have assumed considerable importance for the consumer in the current economic climate, namely:

- the price of goods and services, regarding which the Community already exerts some influence, notably in the common agricultural policy but also in the competition policy,
- the quality of services — both public and private — which account for an ever-growing share of household expenditure.

4. Moreover, without in any way ceasing to ensure that the rights listed above are complied with, the consumer policy, which has hitherto been mainly defensive, should become more positive and more open to a dialogue in order to establish the conditions in which the consumer can become a participant in the preparation and implementation of important economic decisions which concern him first and foremost as a buyer or a user, and which very largely determine his individual or collective living conditions. This approach corresponds to the spirit and the letter of the definition of the consumer given in the preliminary programme ⁽¹⁾. There are, however, several prerequisites to such a policy, notably:

⁽¹⁾ 'The consumer is no longer seen merely as a purchaser and user of goods and services for personal, family or group purposes but also as a person concerned with the various facets of society which may affect him either directly or indirectly as a consumer.'

(1) that while continuing to voice its proper concerns, the consumer movement will progressively take into account the economic and social implications of the decisions on which it might wish to be consulted;

(2) political and economic decision-makers should be willing to take consumers' views into account through the appropriate channels when preparing and implementing decisions which are likely to affect consumers' interests in the short or long term.

5. The Community's efforts should be directed towards fulfilling these prerequisites. Steps have already been taken along these lines. At Community level, consumer opinion has been taken more and more into consideration by Community bodies and institutions. For their part, consumer organizations are being progressively drawn into considering consumer policy in a wider context. Nevertheless, there is still some way to go. In particular the Community should try to encourage a dialogue and consultation between representatives from consumers and representatives from producers, distributors and suppliers of public or private services with a view, in certain cases, to arriving at solutions satisfactory to all the parties in question.

6. Although legislation both at national and Community level will still be needed in many cases in order to ensure that the consumer may exercise the fundamental rights listed above and that the market operates properly, the application of certain principles might also be sought by other means, such as the establishment of specific agreements between the various interests held, which would have the advantage of giving consumers additional assurances of good trading practice.

The Commission will endeavour to facilitate the elaboration and conclusion of such agreements, on an experimental basis, for example, in certain fields of after-sales service and in areas involving aspects of professional ethics.

7. Obviously, the use of this voluntary formula should in no case prejudice the application of existing laws and regulations, nor exclude the adoption of statutory and administrative provisions at either national or Community level.

8. To sum up, the new programme is meant to:

(1) continue measures to protect and inform consumers, begun under the preliminary programme, the reasons for which and whose objectives and principles can only be confirmed. As a general rule, the Commission endeavours to take account of consumers' interests when framing any policy having a bearing on consumers, notably in regard to agriculture, competition and industrial policy. In such measures, besides questions of safety and quality, the problems posed by prices and their disparities and by the quality and prices of services cannot be ignored. With regard to prices, the Commission should give increasing attention to consumer interests in the definition and in the application of Community policies (agricultural, competition, industrial, etc.) which can influence those interests. It will also be appropriate to ensure that scientific enquiries into price disparities are pursued and made use of to a greater extent than in the past.

(2) seek to create the conditions for a better dialogue and closer consultation between representatives of consumers, producers and distributors.

II. IMPLEMENTATION OF THE PROGRAMME

9. The measures proposed in this programme are set out in the order of the objectives aimed at (already stated and approved in the preliminary programme), namely:

- A. protection of consumers against health and safety hazards;
- B. protection of consumers' economic interests;
- C. improvement of the consumer's legal position (help, advice, the right to seek legal remedy);
- D. improvement of consumer education and information;
- E. appropriate consultation with and representation of consumers in the framing of decisions affecting their interests.

10. The programme will be carried out, as was the preliminary one, by using the appropriate means laid down in the Treaty. Bearing in mind the number of interests involved, the Commission will undertake

very wide consultations, notably through its Consultative Committees, before forwarding proposals for implementing measures.

11. In addition, the Commission will not fail to continue its close cooperation with international bodies such as the Council of Europe and the OECD which are concerned with consumer problems and to make use of their contributions in this field.

A PROTECTION OF CONSUMER AGAINST HEALTH AND SAFETY HAZARDS

12. Principles

The preliminary programme laid down the following principles, which remain applicable:

- (1) goods and services offered to consumers must be such that, under normal or foreseeable conditions of use, they present no risk to the health or safety of consumers. There should be quick and simple procedures for withdrawing them from the market in the event of their presenting such risks; in general, consumers should be informed in an appropriate manner of any risk liable to result from a foreseeable use of goods and services, taking account of the nature of the goods and services and of the persons for whom they are intended;
- (2) the consumer must be protected against physical injury caused by defective products and services supplied by manufactures of goods and providers of services;
- (3) substances or preparations which may be contained in or be added to foodstuffs should be defined and their use regulated, for example by endeavouring to draw up in Community rules, clear and precise positive lists. Any processing which foodstuffs may undergo should also be defined and their use regulated where this is required to protect the consumer;

foodstuffs should not be adulterated or contaminated by packaging or other materials with which they come into contact, by their environment, by the conditions in which they are transported or stored or by persons coming into contact with them, in such a way that they affect the health or safety of consumers or otherwise become unfit for consumption;

(4) machines, appliances and electrical and electronic equipment and any other category of goods which may prejudicially affect the health and safety of consumers either in themselves or by their use, should be covered by special rules and be subject to a procedure recognized or approved by the public authorities (such as type approval or declaration of conformity with harmonized standards or rules) to ensure that they are safe for use;

(5) certain categories of new products which may prejudicially affect the health or safety of consumers should be made subject to special authorization procedures harmonized throughout the Community.

13. Priority measures

On the basis of the principles set out above, the Commission will continue to expand its activities in accordance with the guidelines set out below, its prime objective being to make consumer goods and services safer to use and to promote consumer health protection. In addition, for goods or services which appear on the market or are developed in such a way as to jeopardize the safety or health of consumers, the Commission reserves the right to propose, if need be, suitable measures to supplement, pursuant to these principles, the priority measures already planned.

14. 1. Harmonization of laws on certain products

The Community will develop and pursue its work on harmonizing the laws on certain products in order both to encourage the free movement of such goods and to regulate the marketing and use of substances or products likely to affect the health or safety of consumers. Harmonizing measures will cover, as required, the properties of products, notification or approval procedures, methods of analysis and testing, labelling and safety standards. Moreover, an important part of these permanent activities is related to the application of Directives already in force or to be adopted as the programme is implemented, particularly in the framework of the committees on adaptation to technical progress.

All this work will be carried out with the help of the most reliable and advanced scientific and technical expertise available. The Commission will thus continue to consult the Scientific Committees for Animal Nutrition, Food, Pesticides, Cosmetology, Toxicology and Ecotoxicology.

Harmonization will be directed chiefly towards the following types of product.

15. 1. (a) Foodstuffs

The Community has developed two types of action with regard to foodstuffs, namely horizontal (general measures on additives, materials and objects coming into contact with foodstuffs, special foods) and vertical (measures on specific products).

The Commission will continue its work in this field by:

- monitoring the application of Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer ⁽¹⁾, particularly as regards misleading claims, the ingredients of alcoholic beverages, derogations regarding ingredients and the date of minimum durability of products;
- monitoring the adaptation of the Directives adopted to scientific and technical progress;
- introducing other measures on, for example, flavouring, surface sprays used on fruit, vegetables and cheeses, baby foods, deep-frozen foods and pesticide residues;
- putting forward suitable proposals when consumer health problems arise unexpectedly (as has already occurred with erucic acid, vinyl chloride monomer residues and saccharine);
- examining certain nutrition problems (effects of certain foodstuffs on health, food labelling, etc.), in particular as regards consumer education and

information; if necessary, it will submit appropriate proposals;

- participating in standardization activities in the Codex alimentarius, with particular reference to the implementation or preparation of guidelines.

16. 1. (b) Cosmetics

Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽²⁾ enumerates a number of tasks of a scientific and technical nature which will be performed; these include:

- permitting or prohibiting the substances listed in Annex IV to the Directive which are at present provisionally allowed;
- drawing up, on the basis of scientific and technical research, proposals for lists of authorized substances which could include antioxidants, hair dyes, preservatives and ultraviolet filters, taking into account in particular the problem of sensitization;
- adapting the Directive to technical progress, particularly by introducing the methods of analysis necessary for checking the composition of cosmetic products, by determining criteria of microbiological and chemical purity and methods for checking compliance with these criteria and, finally, possibly by amending Annex II to the Directive, which lists substances which cosmetic products must not contain.

17. 1. (c) Textiles

With regard to the safety of textiles, the Commission will continue to study problems of textile inflammability, with particular reference to health risks liable to result from the use of fire-proofing substances.

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽²⁾ OJ No L 262, 27. 9. 1976, p. 169.

The Commission will likewise examine risks arising from the use of raw materials or other substances such as colouring agents.

18. 1. (d) Toys

The work already in hand as part of the proposal for a Directive on the approximation of the laws of the Member States concerning toy safety ⁽¹⁾ will be continued and proposals for directives will be prepared on the physical and mechanical safety, inflammability, toxicity and electrical safety of toys.

19. 1. (e) Pharmaceutical products

Several Directives have been adopted on pharmaceutical products for human use, particularly on conditions of marketing, provisions on standards and protocols and the colouring agents used. In addition, two proposals for directives are now being discussed on pharmaceutical products for veterinary use which may have indirect influence on consumer health. The Commission will continue its work in this area and in particular submit to the Council a proposal for a Directive on the advertising of pharmaceutical products.

20. 1. (f) Dangerous substances

The Commission will continue its work on dangerous substances for which there are already Directives on classification, labelling, packaging and use, and will concentrate on dangerous preparations. In particular, the Commission will study the safety problems associated with household use of products in which such preparations are employed (cleaning materials, for example) and, if necessary, submit appropriate proposals.

21. 1. (g) Tobacco and alcohol

After carrying out comparative studies on measures taken or planned by Member States with regard to tobacco and alcohol, the Commission will:

- assess to what extent divergences in measures taken by Member States in regard to these products affect the Community market and, where necessary, make appropriate proposals;
- take such other initiatives, in support of actions undertaken in Member States, as may be appropriate in the more general context of problems associated with the use or abuse of such products by consumers.

22. 1. (h) Manufactured products

The Commission will continue its work on motor vehicle components and other manufactured products likely to affect consumer safety and health.

In particular, the problem of the inflammability of materials used in manufacturing furniture or for fitting out buildings (furnishing materials in general and various internal and external covering materials) will be examined.

23. 2. Monitoring product safety

Implementation of measures adopted in various fields concerning the protection of consumer health and safety in respect of which action to harmonize laws has already been taken (food additives, cosmetics and pesticides) requires the national authorities supervising their application constantly to improve the methods used, in line with industrial developments and the advance of scientific knowledge; there are largely similar problems in making such improvements in all the Member States, particularly when it comes to working out ways and means.

The Community should therefore draw up a list of control systems in Member States in order to remedy any difficulties or shortcomings, for example, by developing more effective control methods or by the exchange of experts or information between laboratories.

To this end, the Commission will organize meetings between representatives of specialized laboratories existing in the Member States and, if necessary, submit appropriate proposals to the Council.

⁽¹⁾ OJ No C 228, 8. 9. 1980, p. 10.

24. 3. Research

The Commission will continue to examine the results of studies in the various fields likely to further the cause of product safety and, where appropriate, will take steps to coordinate and encourage such studies.

25. 4. Information on products

To comply with the principles set out above, the fullest and most objective information possible must be available on the various aspects of product safety. This information should suggest the direction the work should take by facilitating the selection of priorities.

26. (a) With this in view, the Commission has already sent the Council a proposal for a Decision introducing a Community system of information on accidents in which products are involved, outside the spheres of occupational activities and road traffic ⁽¹⁾; the purpose of this system would be to enable detailed statistics to be compiled.

(b) In addition, with a view to promoting objective and detailed documentation on the properties of products likely to affect consumer health and safety, the Commission will, by taking appropriate steps, endeavour to survey existing data bank systems, further their development and facilitate access to them.

27. As the information system referred to in point 26 is not designed for adopting emergency measures, the Commission has proposed that a system be set up at Community level for the rapid exchange of information on dangers arising from the use of consumer goods. Such a system would enable the responsible authorities to take necessary measures promptly to ensure public safety.

B. PROTECTION OF THE ECONOMIC INTERESTS OF CONSUMERS

28. Principles

The preliminary programme set out a number of principles which are still relevant:

- (1) purchasers of goods or services should be protected against certain unfair sales practices and in particular against the vendor's standard contracts, the exclusion of essential rights in contracts, harsh conditions of credit, demands for payment for unsolicited goods and high-pressure selling methods;
- (2) the consumer should be protected against damage to his economic interests caused by defective products or unsatisfactory services;
- (3) the presentation and promotion of goods and services, including financial services, should not be designed to mislead, either directly or indirectly, the person to whom they are offered or by whom they have been requested;
- (4) no form of advertising should mislead the potential buyer of the product or service. An advertiser in any medium must be able to justify, by appropriate means, the validity of any claims he makes; ⁽²⁾
- (5) all information provided on labels at the point of sale or in advertisements must be accurate;
- (6) the consumer is entitled to reliable after-sales service for consumer durables, including the provision of spare parts required to carry out repairs;
- (7) the range of goods available to consumers should be such that as far as possible consumers are offered an adequate choice.

29. On the basis of these principles and pursuant to the preliminary programme, the Commission has submitted proposals for Directives which are still under discussion by the Council bodies.

The following are the texts concerned:

- a proposal for a Directive to protect the consumer in respect of contracts which have been negotiated away from business premises ⁽¹⁾;

⁽¹⁾ This principle will apply in observance of existing criminal law provisions in the Member States.

⁽²⁾ OJ No C 22, 29. 1. 1977, p. 6.

⁽¹⁾ OJ No C 252, 24. 10. 1978, p. 2.

- a proposal for a Directive relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading and unfair advertising ⁽¹⁾;
- a proposal for a Directive relating to the approximation of the laws, regulations and administrative provisions of Member States concerning liability for defective products ⁽²⁾;
- a proposal for a Directive relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit ⁽³⁾.

30. Continuation of action provided for under the preliminary programme

The Commission will pursue the action already begun under the 1975 programme which it has not been able to bring to a conclusion, particularly as regards certain unfair commercial practices.

The Commission has already started work on unfair terms in contracts, with the help of government experts, as a basis for a Community measure. Meanwhile, legislation has been adopted in several Member States, and the Commission will submit, as a first step, a discussion paper in which it will set out all the problems which this subject involves and the various options open with a view to harmonizing those aspects of competition which may be affected by disparities in this area. After wide-ranging consultations on this discussion paper, the Commission will put forward suitable proposals, where necessary.

31. Within the framework of the general activities already undertaken, the Commission will also study the promotion of the interests of specific groups of underprivileged consumers in order to cater better for their particular needs.

Action taken by the Commission on competition, pursuant to Articles 85 and 86 of the Treaty, contributes to this end in being opposed to certain business practices likely to have a detrimental effect on consumer prices or in being intended to prevent such practices.

32. Under the common agricultural policy, the Commission has taken into consideration the effects of the common farm prices and the level of supplies on the Community market on the interests of

consumers, as envisaged among the objectives of Article 39 of the Treaty. The Commission has also consulted consumers when drawing up the price proposals submitted to the Council.

The Commission will continue to take consumer interests into account in the implementation of this policy.

33. In general, it is important to take into consideration the economic repercussions which certain factors such as the scarcity of resources, shorter working hours and the use of new data-processing and telecommunications technology may have on consumption patterns and producer-distributor-consumer relations. The Commission will carry out further studies and will submit suitable proposals, where necessary.

34. Expansion of Community action on services

Because of the growth in the number and importance of services, the part they take up in household expenditure and the opening of the frontiers of Member States to an increasing number of them, there should be a strengthening of consumer protection in this sector, notably in the matter of quality of services and their price transparency ⁽⁴⁾.

Services account for a growing proportion of economic activity in the Member States of the Community, where they employ on average about half the working population and are a field in which manpower often represents a high proportion of added value. The term 'services' in fact covers a very wide range of activities, in which changes in productivity vary considerably from one to another. However, it is possible to identify three broadly common features:

- expenditure on services is increasing rapidly in absolute terms and as a proportion of the household budget;
- whereas the quality and performance of industrial products can be defined with a relatively high degree of objectivity, any assessment of the quality of a service rendered is often more subjective and thus the comparison becomes less reliable;

⁽¹⁾ OJ No C 70, 21. 3. 1978, p. 4.

⁽²⁾ OJ No C 241, 14. 10. 1976, p. 9.

⁽³⁾ OJ No C 80, 27. 3. 1979, p. 4.

⁽⁴⁾ In view of the increasing importance of this sector, the Commission organized a colloquium of consumer organizations on the theme 'The consumer as user of services' in October 1979.

— a large — sometimes the largest — proportion of service activities consists of collective services where the public sector or the quasi-public sector has a near monopoly on supply and where market forces operate only partially, as regards both the fixing of prices and determination of the quality of the service offered.

The Commission will study the following three areas and, if appropriate, put forward suitable proposals. With due regard for the significance of such measures for consumer protection and the effects of differences in Member States' legislation on the proper functioning of the common market.

35. (a) Commercial services connected with products

The terms of after-sales service for consumer durables are of particular importance, especially in view of the increased useful life of certain goods. With this in mind, the Commission will examine ways of improving the quality of the after-sales service provided by producers and suppliers and by undertakings which carry out maintenance and repairs, in particular as regards the guarantee period, wider use of firm estimates, the drawing up of detailed invoices, product transport and out-of-service costs, and the availability of replacement parts.

The Commission will study the means necessary for this purpose and will take the appropriate steps with a view to improving conditions of warranty on the part of the producer and/or supplier and after-sales service either by legislation or, where appropriate, by agreements between the parties concerned for *inter alia* the improvement of contract terms. Priority will be given to warranties and services associated with motor vehicles and electrical household appliances.

36. (b) Commercial services not connected with products

This heading covers a wide variety of activities of increasing importance in meeting the needs of consumers, both as individuals and collectively, particularly tourism, consumer credit and insurance. The Commission will carry out studies on the development of these services and how they are provided. If necessary, the Commission will put suitable proposals to the Council and/or encourage the adoption of voluntary agreements for improving the general conditions under which these services are provided.

37. (c) Public and quasi-public services

A number of services essential to consumers are provided by public and quasi-public services, notably electricity, gas and water supplies and transport. In these areas consultation should be encouraged between the main public services and administrative authorities of a commercial character and the representatives of consumers. To this end, the Commission will prepare a report on consumer representation, concentrating on those services which are international in character, with a view to putting forward suitable proposals, where necessary.

C. ADVICE, HELP AND REDRESS

38. Principles

The preliminary programme states that 'consumers should receive advice and help in respect of complaints and of injury or damage resulting from purchase or use of defective goods or unsatisfactory services' and that 'consumers are also entitled to proper redress for such injury or damage by means of swift, effective and inexpensive procedures'.

In 1975 the Commission held a symposium on legal and extra-legal means of consumer protection which in particular made it possible to analyse:

- systems of assistance and advice in the Member States
- systems of redress, arbitration and the amicable settlement of disputes in the Member States;
- the laws of the Member States relating to consumer protection in the courts, particularly the various means of, and procedures for, obtaining legal remedy, including actions brought by consumer associations or other bodies,
- systems and laws of the kind referred to above in certain third countries.

Suggestions put forward at the symposium can be classified under five heads:

1. the need to improve consumer information and education;
2. the need to set up conciliation bodies either to take preventive action to put an end to certain reprehensible practices by amicable arrangement, or to settle by mutual agreement disputes between consumers and tradesmen or suppliers of services;
3. the setting up of arbitration bodies;
4. the simplification of legal procedures for settling disputes over small sums of money;
5. assigning responsibility for consumer protection to consumer groups, public authorities or institutions like the ombudsman.

This matter has already been the subject of a most constructive debate in the European Parliament and the Economic and Social Committee.

Although limited, the Community's action in this area will seek to make a useful contribution to the implementation of suggestions made in the analysis referred to above. The work done by the Council of Europe on legal aid will also be drawn upon, as well as the studies undertaken by the European University Institute in Florence.

39. Priority measures

The Commission will continue to study the procedures and channels for obtaining legal remedy which exist in the Member States, particularly with regard to the right of consumer associations to institute legal proceedings, the simplification of court procedures and the processing of individual petitions, the development of amicable settlement procedures and the admissibility of proceedings by consumers against public undertakings administered according to commercial criteria. It will publish a discussion paper on all these matters, taking into account the different experience gained and the procedures applied in the Member States.

The Commission will also continue, where necessary, to encourage national or local schemes facilitating consumers' access to the courts and the settlement of the more common or minor disputes, and will publish the results.

D. CONSUMER INFORMATION AND EDUCATION

40. Consumer information

Principles

Sufficient information should be available to the purchaser of goods or services, and to the general public, to enable him to:

- assess the basic features of the goods and services offered, such as the nature, quality, quantity, energy consumption and price;
- make a rational choice between competing products and services;
- use these products and services safely and to his satisfaction;
- claim redress for any injury or damage resulting from the product supplied or service received.

Following a study of the feasibility and value of drawing up general rules on labelling for all mass-consumption non-food products, it would appear to be more useful to work out rules for each specific category of products so that they are more directly related to the properties of each product.

41. Priority measures

Under this programme, the Commission will take the following measures:

- include in any proposals on given products or services which it puts to the Council special provisions to take account of their specific properties, with the aim of guaranteeing that the consumer receives proper information on the properties and the quality of the goods and services supplied;
- organize consultation meetings between the representatives of consumers, producers, distributors and suppliers of services as a means of promoting the introduction and development of a voluntary labelling system or of any other voluntary means (such as instructions for use or packaging) of informing consumers about the capabilities of certain kinds of products or services;
- encourage cooperation between bodies carrying out comparative testing, particularly in the case of

tests on products and services which are available in several Member States at the same time;

- conduct a more general information campaign on national and Community activities which are directly or indirectly relevant to the interests of consumers by: ⁽¹⁾
 - regularly publishing press releases and by holding briefing sessions for radio and television reporters and for the specialized press of consumer associations;
 - organizing meetings of consumer organizations to enable them to discuss the development of the consumer movement in Europe and of consumer protection in the Community;
 - publishing a periodical report on the state of consumer protection in the Community which will cover the work done in this field and the development of the consumer movement at Community and national level.

42. In implementing this programme, particular attention will be paid to information on prices. This is essential for the proper functioning of competition, which can also be expected to have a positive effect in attenuating inflationary forces, and for ensuring a better choice for consumers.

It is important that as far as possible the market itself should be so structured as to facilitate the adjustment of demand to price changes, primarily through increased transparency. This implies in appropriate cases action in three directions:

- the consumer should be informed about the value for money of products and services (particularly as regards conditions of warranty and after-sales service) on offer by means of fuller information on products, wider publication of the results of comparative tests and the provision of information to consumers on identical products which they cannot recognize as such;
- the consumer should be informed about prices themselves by improvement of the regulations on price marking, including prices per unit of

measurement, although no encouragement must be given to price-fixing practices that may adversely affect competition;

- the consumer should be informed about price differences, particularly in the localities accessible to him, by the encouragement of local or regional schemes for this purpose.

43. To this end the Commission will take supplementary measures which must in no case be price-control or price-fixing measures but must supply appropriate information to several different sections of the public. The Commission will endeavour to promote private initiatives aimed at improving consumer information on prices and comparative prices at local or regional level.

As regards price formation, the Commission will also continue to exercise its powers with regard to rules of competition under Articles 85 and 86 of the Treaty.

CONSUMER EDUCATION

44. Principle

In this area of policy, the preliminary programme states:

'Facilities should be made available to children as well as to young people and adults to educate them to act as discriminating consumers, capable of making an informed choice of goods and services and conscious of their rights and responsibilities. To this end, consumers should, in particular, benefit from basic information on the principle of modern economics.'

45. Priority measures

1. Given the powers of the Member States with regard to education and the work the Commission has already undertaken, Community action will consist in continuing the wide-ranging exchange of views on national experience and joint consideration of the aims and methods of consumer education in schools.

With this in mind, the Commission will submit to the Council a communication on consumer training.

⁽¹⁾ As part of its general information policy, the Commission will endeavour to take specific steps to inform the general public of the present Community programme, the activities undertaken and the results obtained.

2. It will look into possibilities in adult education, and in particular into possibilities for televised courses and study leave for officials and members of consumer associations.

3. It will give consideration to the problems which arise for underprivileged consumers.

E. PROMOTION OF CONSUMER INTERESTS

46. The preliminary programme gave priority to measures to protect consumer interests. In the course of its implementation, the idea gradually developed that the consumer should be increasingly seen as having a part to play in the preparation of economic and social decisions concerning him.

47. This development is based on a number of considerations.

The first is the value of a dialogue between consumers and producers/distributors and between consumers and the public authorities. This becomes clear once we recognize that in our society changes in economic and social policy must as far as possible be the result of consultation between all the parties concerned, including consumers, and that consumption should no longer be regarded merely as a balancing variable of economic development.

The second consideration is the development of closer cooperation between associations which could defend and promote consumers' interests and play an active part in trying to achieve the necessary balance between consumers and producers/distributors. It must be recognized that action by the individual consumer is not likely to have much effect on the mass market where he exercises his choice, while excessive growth in regulatory powers can only serve to over-institutionalize the relationships between the parties concerned.

48. Promotion of the consumer's interests could be based on the following:

- development of procedures for consultation by the public authorities, to the appropriate extent, of representatives of consumer interests;
- development of a regular dialogue between representatives of consumer interests and producers' and distributors' organizations;
- more aid to organizations which represent consumers.

19. Priority measures

Under this programme, the Commission will:

- send the Council a communication on consumer association representation, criteria for representation and the approval procedures operating in Member States. At the same time it will give details of the extent of consumer representation within the Community;
- continue to ensure that there is balanced representation of consumers on the specialized advisory committees set up by the Commission;
- continue, and where possible increase, its aid to European consumer associations to enable them to make their viewpoint better heard, and it will also make every effort to organize seminars for training officials from these associations, particularly on the subject of common policies;
- foster consultation between European consumer associations and the various business interests concerned on specific matters of common interest;
- endeavour to promote adequate representation of consumers in standards organizations.