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(Information)

COUNCIL

COUNCIL RESOLUTION

of 9 November 1989

on future priorities for relaunching consumer protection policy

(89/C 294/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

obstacles to the proper functioning of the internal market;

Having regard to the Treaty establishing the European Economic Community,

Whereas Article 100a of the Treaty provides for the adoption of harmonization measures which have as their object the establishment and functioning of the internal market and requires that the Commission, in its proposals, provided for in paragraph 1 of that Article, concerning consumer protection, take as a base a high level of protection, to ensure consumer confidence in the functioning of the market;

Whereas the improvement of the quality of life implies, *inter alia*, protecting the health, safety and economic interests of consumers and informing and educating them;

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

Whereas this linking of consumer protection policy to the effective completion of the internal market presupposes a review and update of the objectives of that policy, with the emphasis being placed on measures which should produce tangible results in the short term;

Whereas in response to this need two Community action programmes for consumers were adopted in 1975 ⁽¹⁾ and 1981 ⁽²⁾;

Whereas proceedings concerning the internal market should also move towards liberalization of trade and increased competition, which should likewise benefit the consumer, whereas the measures taken by the Community to protect consumers must be consistent with the Council resolution of 30 June 1988 ⁽³⁾;

Whereas, in the light of the results obtained in implementing these programmes, it was necessary to give fresh impetus to this Community policy and to redefine its objectives and priorities through the adoption by the Council of the resolution of 23 June 1986 concerning the future orientation of the policy of the European Economic Community for the protection and promotion of consumer interests ⁽³⁾;

Whereas the conclusions of the European Council of December 1985 underline the importance of promoting alternative approaches to the introduction of rules when such approaches afford real possibilities of making significant progress;

Whereas the content of such objectives must be expressed by the effective protection of consumers' individual and collective interests;

Whereas the Council resolution of 23 June 1986 notes that the Commission intends to carry out a wide consultation of appropriate interests, particularly at the preparatory stage of its proposals;

Whereas such effective protection may in some cases require harmonization measures designed to prevent

⁽¹⁾ OJ No C 92, 25. 4. 1975, p. 2.

⁽²⁾ OJ No C 133, 3. 6. 1981, p. 1.

⁽³⁾ OJ No C 167, 5. 7. 1986, p. 1.

⁽⁴⁾ OJ No C 197, 27. 7. 1988, p. 6.

Whereas greater attention must be paid to consumer interests in other Community policies which requires, *inter alia*, a deep knowledge of the impact of the internal market on the consumer;

Whereas the representation of consumers at Community level should be improved to ensure a balance between the interests of producers and consumers;

Whereas it is important to promote safety and better information on the quality of products and services; whereas, therefore, in the spirit of the Council resolution of 25 June 1987 on consumer safety ⁽¹⁾, the Commission proposed that the Council adopt a Directive implementing the general principle of the obligation to provide goods which are safe, without prejudice to the continuation of work connected with the 'new approach'

⁽¹⁾ OJ No C 176, 4. 7. 1987, p. 3.

to technical harmonization and standards approved by the Council resolution of 7 May 1985 ⁽²⁾;

Whereas the possibility should be considered of coupling the declaration of rights for consumers and the completion of an internal market in which trade between Member States will be intensified with certain judicial and extra-judicial measures.

CALLS UPON the Commission when carrying out its work to give priority to the areas referred to in the Annex to this resolution, which are considered to be particularly sensitive for consumers; and, having regard to those priorities, to present before 31 December 1989 a three-year plan concerning the Community's objectives in its policy for the protection and promotion of consumer interests.

⁽²⁾ OJ No C 136, 4. 6. 1985, p. 1.

Priorities for relaunching the policy for the protection and promotion of consumer interests

1. Integrating the policy for the protection and promotion of consumer interests into the other common policies through:
 - an overall study of the consequences of the internal market for the consumer, highlighting which specific sectors most affect consumer interests,
 - preparation of an adequate impact assessment for those proposals which are particularly sensitive for consumers.
2. Improving consumer representation at Community level, by studying various possible ways of promoting:
 - participation by the associations in the various Member States in the system of consumer representation, and
 - the exchange of ideas with representatives of economic sectors and of employers,
 - optimum implementation of the Council resolution of 4 November 1988 on the improvement of consumer involvement in standardization ⁽¹⁾,

since such an improvement will contribute, *inter alia*, to the achievement of the aims of this resolution and in particular those set out in point 1.
3. Promoting the general safety of goods and services and better information on the quality of goods and services by:
 - looking into the possible implementation at Community level of means of promoting the safety of services,

⁽¹⁾ OJ No C 293, 17. 11. 1988, p. 1.

- ensuring optimum operation of:
 - the project for Community system of information on accidents involving consumer products (EHLASS) ⁽¹⁾,
 - the Community system for the rapid exchange of information on dangers arising from the use of consumer products set up by Decisions 84/103/EEC and 89/45/EEC ⁽²⁾,
 - encouraging campaigns which lead to greater safety of products, in particular of products which may be used by children or which may affect them,
 - harmonizing the different Member States' monitoring systems with regard to foodstuffs and looking into the possibility of harmonizing monitoring systems for other products,
 - seeking a Community framework for providing information on products, including foodstuffs, by means of labelling, ancillary materials and distinctive marks to aid consumers in making informed choices and to prevent misleading claims and unfair competition,
 - studying common criteria to be applied for the conduct of comparative tests and analyses of goods and services and for the dissemination of the results thereof and promoting the carrying-out of such tests and analyses,
 - agreeing on an overall approach for establishing a common framework in the field of tests and certification (assessment of compliance) for securing the principle of mutual recognition in accordance with the 'new approach to technical harmonization and standards' in the 1985 White Paper on the completion of the internal market.
4. Without prejudice to national provisions on the subject, encouraging Member States to promote access to legal redress and, to this end:
- completing the studies described in point 7 of the Council resolution of 25 June 1987, without prejudice as to whether group actions should be allowed,
 - encouraging Member States to seek judicial and extra-judicial systems to ensure that minor disputes between consumers and suppliers of goods and services are speedily and effectively resolved;
 - studying, together with the Member States, the feasibility of a system for the exchange of information to promote access to the legal system of another Member State in minor disputes involving more than one country.
5. Bringing to a conclusion, in consultation with national experts and in accordance with the criteria set by the Council resolution of 23 June 1986:
- the work already begun at the Commission, including a proposal for a Directive concerning unfair terms in contracts and the report on general consumer information policy,
 - the study, as part of the three-year plan and taking account of the 1992 target, of other possible initiatives, particularly in the areas of consumer education, new technologies involving teleshopping, guarantees and after-sales service and unfair advertising.

⁽¹⁾ OJ No L 109, 26. 4. 1986, p. 23.

⁽²⁾ OJ No L 70, 13. 3. 1984, p. 16, and OJ No L 17, 21. 1. 1989, p. 51.