

ANEC Comment on the Future Consumer Policy Strategy

Introduction

This paper describes some thoughts and proposals ANEC members would like to submit regarding the forthcoming Consumer Policy Strategy 2007-2013.

In the Internal Market, standards play an important role both in terms of consumer protection and wealth creation. The KOK-Report on the Lisbon strategy for instance, refers to European standardisation as one of the key factors ensuring the competitiveness of the European Union (EU).

ANEC believes that the three objectives of the current Consumer Policy Strategy are still relevant but that it is equally important to achieve progress on the following:

- 1. Reform of the European standardisation system**
- 2. Regulations and standards for services**
- 3. Consumer representation in international standardisation**
- 4. Enforcement of consumer protection and safety legislation**
- 5. Access to up-to-date scientific data and advice**
- 6. Strengthening of independent national and European consumer organisations**

1. Reform of the European standardisation system

European standardisation is based on national voting and representation. ANEC does not question this concept but our 2001 study on national arrangements for consumer participation in standardisation revealed that in many European countries consumer participation in national standardisation is rather weak or hardly existing. These findings are confirmed by DG SANCO's own survey conducted at the end of 2003.

In order to ensure an institutionalised and systematic representation of consumers in standardisation both at EU level and at national level, ANEC calls for measures, ideally a legally binding act, committing Member States to provide adequate structures and earmarked funds for consumer participation in standardisation. In the same context, a regular exchange of information on the national arrangements for consumer participation in standardisation would enhance transparency and allow for a benchmarking exercise.

Secondly, considering that standardisation will expand to new policy areas such as services or the environment (as one model for co-regulation), ANEC believes that there is a genuine need to reform the standardisation system so as to ensure balanced representation in standardisation of public interest. ANEC has proposals for concrete measures on how to achieve this.

2. Regulations and standards for services

While it will remain important to maintain the level of protection achieved when revising New Approach Directives such as the Toys and Low Voltage Directives as well as standards pertaining to them, ANEC believes that in future more emphasis needs to be given to the safety of services. Services account for an increasing part of the European economy and are of prime consumer concern. ANEC calls for a legislative framework on safety of services at EU level to be underpinned by service specific standards.

On behalf of the European Commission, DG Enterprise, CEN is in the process of preparing a strategy towards services standardisation. ANEC will have many proposals to make during this process - for instance, on financial services, which figure high on the list of consumer complaints because the quality of information provided and the financial advice given are often poor. Subject to standardisation could be: Disclosure of consumer information on financial services and ensuring transparency, comparable information as well as high quality of information.

Also the borderline between products and services becomes increasingly blurred, in particular when considering new technologies and the penetration of ICT (e.g. RFID) into products and services creating a new generation of consumer products. Challenges are related to the assessment of health hazards, poor quality of services and other aspects such as security and privacy.

Finally, Europe has an ageing population. To accommodate the needs of elderly people and disabled persons it is key to design products and services for as many people as possible.

3. Consumer representation in international standardisation

ANEC members see a need to improve consumer participation in international standardisation in general and to represent the European consumer view in particular (whenever deemed necessary) because increasingly, standards are made at the international level due to the Vienna and Dresden agreements between ISO/IEC and CEN/CENELEC¹, whilst there is no overarching regulatory framework, nor institutionalised participation of consumers at a horizontal level.

ISO itself acknowledges that there is a need to improve participation of stakeholders in their standards work, which is reflected in the second key objective of their strategic plan 2010, "Ensuring the involvement of stakeholders".

This requires additional resources, and changing the mode of operation of international standards bodies taking into account NGO driven, alternative models of standardisation.

¹ According to CEN and CENELEC statistics, 80 % of CENELEC standards and up to 40 % of CEN standards are based on international standards.

4. Enforcement of consumer protection and safety legislation

Bearing in mind that product safety is a basic consumer right, ANEC believes that the revised GPSD in combination with the New Approach Directives and harmonised standards create adequate legal and technical requirements for product safety in the EU.

However, the best legislation, the best standard is of no use if not properly enforced. We know by experience that not all producers or distributors are taking their responsibility seriously to place only safe products on the market. Enforcement of the existing legislation and standards is vital in order to avoid double standards in the EU.

Basically, ANEC thinks that a genuine European market control strategy is required implying in addition to the rapid exchange of information, coordination and collaboration at a large scale in terms of inspections and risk assessments. More importantly, improved market surveillance will remain a vision unless there is genuine and visible increase in resources in terms of money and people working in market surveillance in the Member States.

5. Access to up-to-date scientific data and advice

Research and testing projects underpin the activities of ANEC, in particular at the technical level. It is imperative that consumer representatives have at their disposal scientific information to back up their arguments in the standardisation committees and working groups. This is of particular importance where consumer representatives have to argue their case against a strong industry majority.

This said ANEC members support the development of consumer orientated research and welcome the establishment of a coherent European policy to promote it.

6. Strengthening of independent national and European consumer organisations

ANEC depends on input and participation of consumer organisations at national level. Therefore we consider it vital to have strong and independent national organisations instead of spreading scarce resources on competing organisations.

When under financial constraints, national consumer organisations will tend to neglect standardisation as a priority and the long-term importance of investing into consumer participation. In addition, the workload on the consumer agenda is increasing, leaving less room for volunteers work such as ANEC activities. This might be even more prevalent in the new Member States. Therefore, ANEC believes that in the long run, the remuneration of time invested by consumer experts needs to be considered, as well as working with paid consultants at a larger scale.