

Position Paper

UEAPME¹ comments on the evaluation of the European Commission on the preparation of the future (post-2013) EU Consumer Policy Strategy and Programme

Introduction

UEAPME welcomes the European Commission's initiative to give the possibility to comment on the preparation of the future (post-2013) EU Consumer Policy Strategy and Programme. However, the request for comments was received by UEAPME on 19 April 2011. The deadline for comments was 27 April 2011. Considering that this request was launched around the Easter week-end, considering the various public holidays, the actual working days left for this response were between 3 and 5. It is obvious that such a deadline is far too short for a proper consultation on a 100-page report. UEAPME urges the European Commission to set reasonable deadlines to enable stakeholders to be able to prepare such replies properly. Nevertheless, UEAPME would like to make some general comments.

General remarks

The foreseen enhancement of consumer market monitoring seems to be an important requirement of the future consumer policy. As actually seen in the context of the Consumer Rights Directive and the Green Paper on a European contract law, the Commission regards consumers' needs in a very theoretical way. From our point of view, it is necessary to obtain more realistic data on consumers' economic behaviour to design an effective and useful consumer law. Therefore, we support the Commission's intention to increase the usefulness of data and to enhance the market monitoring.

As far as we are aware, there has never been a study on what are the best ways to communicate (product) information to consumers. It would be recommendable to elaborate first such a study, and an impact assessment, before proposing any legislative initiative in this field.

Concerning the level of consumer law, we do not see a requirement to increase it in any way. It is not necessary to strengthen consumer rights within the EU, as consumers already enjoy quite a comprehensive protection within the EU. It must be borne in mind that consumer law should always keep a balance between the interests of consumers and traders. The goal of consumer policy should not be to introduce more consumer protection rules for the sake of producing rules. In addition, the consumer is not the weakest person in a contractual relation *a priori* nowadays. Rules that merely increase the bureaucratic requirements will in particular disadvantage SMEs, which is even worse if such rules are not even beneficial for the consumers. In addition, every European policy, also consumer policy, must respect the principles of the Small Business Act.

¹ UEAPME subscribes to the European Commission's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is 55820581197-35.

Public initiatives to inform and to educate consumers about their rights might be useful to strengthen consumer protection in general. In this regard, the foreseen support of consumer organisations seems appropriate as long as such a support is limited to guarantee a Europe-wide level of information for consumers.

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