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IMPACT ASSESSMENT

Accompanying the document

**Proposal for a Regulation of The European Parliament and of the Council
on a consumer programme 2014-2020**

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Disclaimer

This Impact Assessment report commits only the Commission's services involved in its preparation and the text is prepared as a basis for comment and does not prejudge the final form of any decision to be taken by the Commission

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1. INTRODUCTION

The post-2013 Consumer Programme (hereafter the "Programme") will support the implementation of DG SANCO action in the field of consumer policy from 2014 onwards. It builds on the results achieved through the current (2007-2013) Programme.

In line with the conclusions and recommendations from the results of the mid-term evaluation of the current Programme, there will be a degree of continuity between the current and future Programmes. The evaluation underlines in particular that consumer policy is relatively young at EU level and that continuity is key to achieving impact. At the same time, the actions under the Programme will be refocused in line with the Europe 2020 priorities and to address issues which have grown in importance.

An Overview of the current 2007-2013 Programme is presented in Annex 3.

2. PROCEDURAL ISSUES AND CONSULTATION OF THIRD PARTIES

2.1. Procedural issues

The ISG on consumer policy has served as the Steering Group for the evaluation of the current (2007-2013) Strategy and Programme and subsequently as the Steering Group for the impact assessment of the new Programme. It has met three times between February and July 2011.

The services invited to the ISG on consumer policy were: SG, LS, AGRI, BEPA, BUDG, CLIMA, COMM, COMP, EAC, ECFIN, ELARG, EMPL, ENER, ENTR, ENV, ESTAT, HOME, INFO, JUST, MARE, MARKT, MOVE, REGIO, RTD, TAXUD, TRADE.

The timetable for the impact assessment is detailed in annex 1.

The recommendations made by the Impact Assessment Board have been taken into account in the following way: more evidence has been added to the chapter assessing the impact under the various actions; a new part has been added in the chapter relating to the problems definition, explaining how the actions to be undertaken have been prioritised; a brief overview of the stakeholders' views has been included; the problems linked to the administration of funds have been more clearly identified and solution highlighted in the chapter on impact - however, this has not been done through a separate heading but under each relevant action in order to preserve the coherence of the document; an indicative table on broad fund distribution has been included in the chapter presenting the baseline scenario and options; the option 3 has been screened out and omitted from the impact section as requested; the chapters on the EU added-value and on necessity have been merged and shortened and the description of the baseline scenario extended.

The additional technical comments submitted have also been addressed in the various chapters of the document (the requested information on the existing Programme has been added in an annex to limit the total length of the main document).

2.2. Consultation and source of data

The four main sources of data underpinning this impact assessment are:

i) Mid-term evaluation of the 2007-2013 Strategy and Programme¹

The impact assessment makes use to a large extent of the ex-post evaluation of the Programme of Community Action 2004-2007 and the mid-term evaluation of the 2007-2013 Strategy and Programme where Member States authorities (through the CPN² and CPC³ networks), EU and national consumer organisations (through the ECCG) and some industry representatives were consulted, as well as some members of the European Parliament.

The results of these evaluations were transmitted to the Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on 25 March 2011. They were posted at the same time on DG Sanco Europa website. The main highlights are presented below.

ii) Contributions from the consumer networks in the context of the preparation of the future consumer policy

Discussions with stakeholders on several elements of the next consumer policy took place at the Consumer Summit on 11-12 April 2011, entitled ""EU Consumer Policy: the way ahead". Six workshops have dealt respectively with data gathering, enforcement, redress (Alternative Dispute Resolution), capacity building for consumer organisations, consumer information and consumer education.

Input from consumer networks was requested: a discussion with the CPN members took place at the CPN meeting of 31 March 2011 and members were invited to submit additional contributions in writing. Input from the CPC and the ECCG⁴ was requested in April 2011. A discussion was subsequently organised at the ECCG meeting of June 2011.

Contributions from the three main horizontal business organisations (BusinessEurope, UEAPME and EuroCommerce) were requested in April 2011.

Despite differences in focus, the contributions from national authorities and consumer organisations were generally supportive of the priority issues proposed by DG Sanco relevant for the Programme.

In particular, CPN members expressed support for the proposed priorities on consumer market monitoring, safety, enforcement (with several members stressing to strengthen the efficiency of the CPC network), redress (including ADR), support to consumer organisations. Some CPN members called for more coordination on consumer information and education. . Several CPN members expressed the view that the Programme should provide training for national consumer organisations but no direct funding.

ECCG members also generally supported the Commission proposal and insisted more particularly on the necessity to take into account the different conditions of consumer

¹ The 2007-2013 Programme is the financial framework underpinning the 2007-2013 Strategy.

² CPN - Consumer Policy Network: informal network of high-level officials from Member States national administrations in charge of consumer policy

³ CPC network - Consumer Protection Cooperation network of Member States national enforcement authorities

⁴ ECCG - European Consumer Consultative Group, composed of European and national consumer organisations

organisations across the EU. Several consumer organisations also specifically stressed the importance of consumer market monitoring and consumer behaviour, and sustainable consumption.

Business organisations generally agreed with the priorities proposed by the Commission, stressing that the right balance should be struck between consumer protection and competitiveness (including of SMEs). They specifically stressed the importance of consumer market monitoring.

iii) Results of additional separate external evaluations

Stakeholders were also consulted on specific elements of the Programme in the context of:

- the separate evaluation of the network of European Consumer Centres (ECC-net) published in June 2011;
- the consultation on the revision of the General Product Safety Directive (GPSD), which was carried out in the second part of 2010 and beginning of 2011. A stakeholders' conference was held on 1 December 2010. It gave participants the opportunity to discuss the results of the consultation and the Commission's proposals to improve the current legal framework in this field;
- the separate evaluation on consumer education, information and capacity building actions (Dolceta⁵, Europa Diary⁶, capacity building for national consumer organisations (TRACE), Masters course in consumer affairs) to be finalised in September 2011.

The main conclusions of these three specific evaluations are mentioned in the document where relevant.

iv) Data and statistics from consumer market monitoring

They mainly include the results from the Consumer Markets Scoreboards, market studies and in-depth surveys (e.g. the empowerment survey published on 11 April 2011⁷).

Main results from the evaluation of the 2007-2013 Consumer Policy Strategy and Programme

The ex-post evaluation of the 2004-2007 Programme and the mid-term evaluation of the 2007-2013 Strategy and Programme stress their added value, despite the fact that European consumer policy is a relatively new field and that the level of EU funding under the Programme is relatively small. It underlines that actions under the Strategy and Programmes contribute to the Europe 2020 objectives of a smart, sustainable and inclusive growth.

The results are globally positive with regard to the relevance of the objectives of the Strategy and the Programme, their impacts and their added-value. It also concludes that the Programme will have long-term effects on consumer protection.

⁵ An online consumer information and education tool – see list of acronyms in annex

⁶ A multi-lingual paper-based distributed to European schools since 2003-4 targeted at students aged 15-18, with a focus on consumer affairs and accompanied by structured teachers' resources and lesson plans. The 2011-12 edition involved content from 21 Commission Departments, 4,344,575 printed copies which were sent to 27,079 schools in the EU-27, and in 23 languages.

⁷ See the Eurobarometer N°342: http://ec.europa.eu/public_opinion/index_en.htm; Consumer Empowerment report and Index: http://ec.europa.eu/consumers/strategy/facts_en.htm

The evaluation makes apparent a certain divergence in views on the Strategy and the Programme between national authorities and consumer organisations, the former being more positive on the achievements of the Strategy and Programmes (overall 88% of national authorities and 82% of consumer organisations believe that the current Strategy has made a large or moderate (medium positive) contribution to EU consumer policy initiatives).

National authorities generally confirm that the Strategy and Programme are complementary to national consumer policy.

However, the evaluation concludes that emerging social and environmental challenges are only partly addressed by the current Strategy and Programme.

More detailed data are presented in annex 4.

On the specific actions undertaken under the Programme:

i) Safety:

- On product safety, coordination has increased between market surveillance authorities. The report recommends further strengthening surveillance and enforcement through RAPEX, pursuing the efforts aimed at addressing the international dimension of the safety of products and capitalising on the use of new technologies.

ii) Consumer information and education:

- Consumer market monitoring, the Consumer Market Scoreboard and in-depth market studies have played an important role to support consumer policy. They play an essential role in the proper integration of consumer concerns into relevant EU policies and the design of effective legislation. The report also suggests further developing the understanding of actual consumer behaviour.
- Progress on consumer education has been variable, in particular for Dolceta where there is a concern as regards the definition of the target audience, and consequently its effective dissemination. The report suggests consolidating education tools, better defining Dolceta's target audience, its content and dissemination, and looking for synergies with national curricula.
- The support provided through the Programmes to EU level and national consumer organisations has been evaluated positively. The role of EU level organisations is seen as crucial for ensuring the representation of consumer interests in EU policy making. The reports suggests pursuing the training (capacity building) provided to national consumer organisations, and examining the possibility of providing courses at national level.

iii) Consumer rights and redress:

- The report points to the added value linked to the greater level of harmonisation brought by the legislative developments, either finalised or still in the making.
- The Programmes and the Strategy have been increasingly successful in the integration of consumer policy into relevant EU policies. The report suggests pursuing efforts in this field and to address new emerging challenges such as: issues linked to digitalisation, the move towards more sustainable patterns of consumption, the vulnerability of consumers caused by the crisis. It also calls for a clarification vis-à-vis stakeholders of the role of the various Commission services on consumer issues.

- Consumer access to redress remains a problem. The report refers to the need to make progress on this issue and to increase consumer awareness about the means of redress.

iv) Enforcement:

- Under the Strategy and Programmes, cross-border enforcement cooperation has been strengthened through the network of enforcement authorities (CPC Network) and coordinated actions such as "sweeps". The report suggests further increasing the coordination within the CPC Network and enforcement authorities.
- The Strategy and Programmes have provided increasing support to consumers who seek advice on disputes cross-border through the network of European Consumer Centres (ECC-net). However, the report suggests increasing their visibility and hence consumers awareness.

3. PROBLEM DEFINITION

3.1. Policy context

Links to Europe 2020 and flagships

The Europe 2020 Strategy calls for the "citizens to be empowered to play a full role in the single market", which "requires strengthening their ability and confidence to buy goods and services cross-border, in particular on line".

Only informed and empowered consumers are able to make the best choices for their own welfare and for the health of the economy, through intensifying competition, innovation and the integration of the Single Market, thus supporting the overarching goal of the Europe 2020 Strategy. Leveraging the vast economic force of consumer expenditure (which represents 56% of EU GDP) will make an important contribution to meeting the EU objective of reigniting growth. This is confirmed by the 2011 Annual Growth Survey which identifies better consumer conditions as one of the drivers of growth. Consumer policy helps consumers navigate the extensive choice offered to them thereby promoting businesses which are more efficient and innovative.

Consumer policy will provide key contributions to the Digital Agenda flagship initiative (borderless and safe services and digital content markets, access, digital literacy), social inclusion (taking into account the situation of the more vulnerable consumers), sustainable growth (sustainable consumption) and the importance of smart regulation (consumer market monitoring as the basis for designing effective and targeted policies).

Links to Single Market Act and other initiatives

The Monti report on the new strategy for the Single Market argues that "Consumers and consumer welfare should be at the centre of the next stage of the single market." It stresses the importance of empowering consumers, basing policies on evidence and detecting markets failing consumers, the establishment of a digital single market, redress (through Alternative Dispute Resolution and collective redress), product safety and standardisation.

The Single Market Act highlights a number of these consumer related issues, in particular redress (as a strategic initiative), product safety, and the development of problem solving tools.

The 2010 Citizenship report, presented as a complementary initiative to the Single Market Act, identifies amongst others the absence of a single set of consumer protection rules, lack of awareness about existing means of redress and insufficient means of redress as obstacles to fully realising European citizenship.

The European Parliament issued several reports in 2010 including recommendations for the future of consumer policy:

The Grech report calls for a holistic approach putting consumers' interests at the heart of the Single Market. The report highlights inter alia: the importance of an evidence base and market monitoring, the issue of product and services safety, the major role played by consumer organisations, improving the capacity of problem solving mechanisms, integrating consumers' interests into relevant EU policies and legislation, consumer protection in financial services, redress and consumer information.

The Hedh report stresses the importance of the evidence base (Scoreboard, studies, complaints) and enforcement in the consumer law and product safety (including ADR, sweeps, the need for resources for CPC and ECC). It also highlights the need to include consumer interests into all EU policies and requests the Commission to publish an annual report on this issue, the role of consumer organisations, the need to develop consumer education (including for adults), consumer information (including through web portals, reaching vulnerable consumers), the need to promote sustainable consumption.

In the field of product safety, the Schaldehose report (2011) calls upon the Member States and the Commission to deploy adequate resources for efficient market surveillance activities, emphasising that failing market surveillance could generate a distortion of competition, jeopardise consumers' safety and undermine citizens' trust in the Single Market. The report also calls upon the Commission to further fund joint market surveillance actions and to allocate sufficient resources to support financially the creation of a platform and/or an organisation supporting extended coordination between Member States. The report also urges the Commission to establish a public Consumer Product Safety Information Database, including a platform for complaints.

In the context of the debate on the Single Market Act, the Kalniete report on "Governance and Partnership in the single Market" underlined the importance of the future proposal on Alternative Dispute Resolution (ADR).

Finally, the Parliament is preparing for October 2011 an own-initiative report on the future consumer policy (rapporteur: Ms. Eva-Britt Svensson, replaced by Mr K. Triantaphyllides).

3.2. Defining the problem and its causes/effects

The objective to put consumers at the centre of the Single Market by empowering them and strengthening their ability and confidence to buy goods and services (including cross-border) implies action at EU level, which needs to be supported by a financial instrument. An active consumer protection policy is needed to help consumers reap the benefits of the Single Market. Informed and empowered consumers drive market competition, innovation and strengthen the integration of the Single Market, which are the core of the Europe 2020 objectives. The added value of the consumer financial programme lies in its capacity to tackle issues that cannot be effectively addressed at national level. For example, activities to promote cross-border shopping or to ensure an effective surveillance of product safety across the EU require action at EU level.

The new Programme will support the future consumer policy placing EU citizens as empowered consumers at the centre of the Single Market and complement initiatives focussing on the supply side: Single Market Act, industrial policy and product specific legislation, digital agenda, and initiatives in the field of energy, resources efficiency, sustainable consumption, transport. Encouraging and raising confidence of consumers in cross-border purchases are especially important because cross-border online purchases are not catching up (9% in 2010, compared with 8% in 2009 and 6% in 2008) with domestic e-commerce (36% in 2010, 34% in 2009, and 26% in 2008) despite clear benefits in terms of savings and choice. Evidence shows that many concerns consumers may have about cross-border purchases can be overcome if consumers can be persuaded to make at least one cross-border purchase. When asked whether consumers were confident in purchasing online cross-border, only 33% were equally confident in domestic and cross-border websites. However, among consumers with experience of cross-border purchases, 61% were equally confident in domestic cross-border online shops.

There is a need for some continuity between the current and future Programmes, in line with the conclusions/recommendations stemming from the reports cited above and the results of the mid-term evaluation of the 2007-2013 Strategy and Programme which underlines that the policy is relatively young at EU level and that continuity is key to achieving impact.

At the same time, new societal challenges have grown in importance: the increased complexity of decision making (information overload; more responsibility shifted to consumers following liberalisation; sophisticated products, services and advertising), the need to move towards more sustainable patterns of consumption, the opportunities and threats for consumers brought by the development of digitalisation, an increase in social exclusion and the number of vulnerable consumers and an ageing population.

The main problems to be addressed through the funding of actions under the new Programme are the following:

i) Safety

Differences between Member States in enforcing product safety legislation, the presence of unsafe products on the Single Market, risks linked to the globalisation of the production chain require the authorities to cooperate more effectively in order to stop dangerous products from entering the Single Market and ensure adequate action whenever such dangerous products appear on the market.

The public consultation on the revision of the General Products Safety Directive (GPSD) demonstrated that differences in enforcing product safety legislation are causing problems for economic operators and consumers. It also showed the difficulties Member States have in working together in the absence of a clear pan-European enforcement framework.

The evaluation has confirmed the risks linked to the globalisation of the production chain is a growing concern (about 70% of dangerous products notified in RAPEX originate from outside the EU).

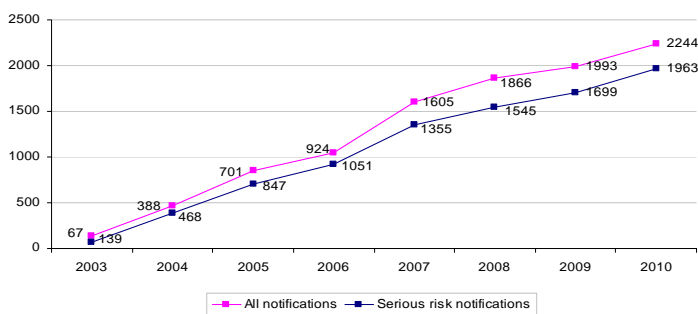
According to recent (2010) public consultation results, all stakeholders consider cooperation among Member States, including joint market surveillance actions, to be beneficial. An overwhelming majority of 90% of national market surveillance authorities, 90% of economic operators and 95% of other stakeholders agreed on the benefits of cooperation of national authorities. Providing more financial support for joint actions was the most preferred way of

improving market surveillance cooperation among Member States; 80% of national market surveillance authorities and 80% of other stakeholders were in support of this type of cooperation. A coordination platform at the EU level was the second most preferred way of improving cooperation among Member States; 55 % of national market surveillance authorities, 45% of economic operators, and 70 % of other stakeholders favoured this solution.

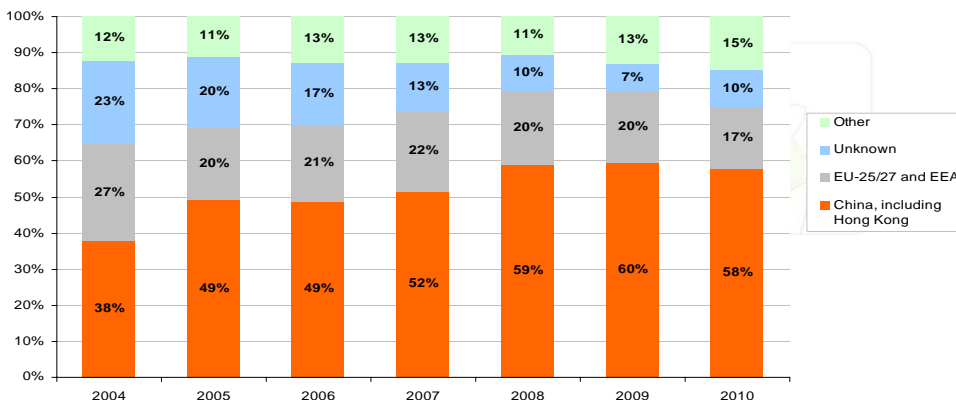
Members of the European Parliament, as well as BEUC and ANEC, frequently ask the Commission about safety of services, considering also the importance of the service sector in the internal market. The safety of services is partly included in the scope of the pending revision of the General Product Safety Directive, but only as far as product-related risks are concerned and will be proposed to be included under the common rules. Secondly, knowledge base building continues to enable an informed discussion regarding what actions could be taken at the EU level regarding other aspects of service safety. The test of EU added value for any regulatory initiative is important, because as far as it has been possible to ascertain, the issue is more with the enforcement of the existing (national) rules rather than the lack of rules.



Total number of notifications (2003-2010)



Notifications per country of origin (%)



With regard to funding, the best solution found so far by the participating Member State market surveillance officials for the coordination of joint actions was the establishment of a foundation under national law. This however means it has no own resources and has difficulties to demonstrate its solvability. The upper limit of co-financing has also proven challenging where the number of participating Member States was counted per product category project, although in the overall program of projects the minimum number of participating Member States for higher co-financing was easily reached. Therefore, a structure that allows the best possible value for co-financing would be needed, with the necessary flexibility and attractiveness for Member States.

ii) Consumer information and education

- Underdeveloped consumer markets monitoring:

There is a lack of robust and good quality data and analysis on the functioning of the Single Market for consumers to help identify new sources of growth by improving consumer decision-making.

The evaluation of the current Strategy and Programme has highlighted the role played by consumer market monitoring and evidence gathering, carried out through the Consumer Market Scoreboard and in-depth market studies, the integration of consumer interests into EU policies.

Legislation affecting consumers does not always properly take into account their actual behaviour. Greater understanding of consumer behaviour would enable policy-makers to better achieve their objectives by designing "smart" interventions.

The annual Consumer Markets Scoreboard ranks 50 consumer markets (which represent 60% of consumer expenditure) according to how well they perform for consumers with regard to comparability, trust, problems and complaints, and overall satisfaction. A number of markets with low ranking – e.g. retail electricity, bank fees, retail investment – have been further analysed and remedies are being implemented. However, many potentially malfunctioning sectors for consumers have not yet been addressed, e.g. mortgages, real estate services, some transport and telecommunication services, and new malfunctioning sectors may be identified as a result of future market screening exercises.

- Insufficient capacity of consumer organisations, including lack of resources and expertise

The importance of consumer organisations is highlighted by the fact that 69% of EU consumers say that they have confidence in independent consumer organisations to protect their rights (against 63% trusting public authorities)⁸. However, the situation and recognition of consumer organisations vary very significantly across EU Member States. According to the empowerment survey, 49% of respondents can mention the name of at least 1 consumer organisation in their country, but respondents in the new Member States are less likely to know consumer organisations (40% vs 52%). According to the 5th Consumer Conditions Scoreboard, national public funding to consumer organisations ranges from 2€ per 1,000 inhabitants to 2,112€ per 1,000 inhabitants and is at the low end in most new Member States.

⁸ Eurobarometer "Consumer attitudes towards cross-border trade and consumer protection", September 2010.

In addition, in most new Member States the percentage of consumers who say that they have confidence in independent consumer organisations to protect their rights is much lower, (e.g. 35% in Bulgaria).

Consumer organisations need support as public funding of consumer organisations in these countries is limited and in danger of being cut further, partly due to limited experience of consumer policy, but also because many organisations still lack expertise.

The current action on capacity building for national consumer organisations (TRACE training courses in EU policies (consumer, financial services, competition) and issues such as financial management) is evaluated positively especially in terms of its wide participation, relevance of course content and the value of the networking opportunities it offers to participants. However to further improve effectiveness, courses directed at training trainers, a more flexible approach to course design and a more cost-effective delivery mechanism, are needed.

- Lack of transparent, comparable, reliable and user-friendly information for consumers, particularly for cross-border cases, as regards price, and quality (including the environmental impact); poor knowledge and understanding of key consumer rights and protection measures by consumers and retailers alike; the uncertainty about the degree of trustworthiness of "shortcuts" (such as information intermediaries) that are currently developing, in particular in the digital area (such as comparison websites).

Following liberalisation, consumers are confronted with increasingly complex choices, for instance in the services area.

According to the Consumer Empowerment report published in April 2011, less than half of consumers in the EU (44%) feel confident, knowledgeable and protected as consumers. Only in seven Member States does a majority of consumers feel all three⁹.

The Consumer Empowerment report also demonstrated that consumer awareness and skills are worryingly low (e.g. numerical skills, understanding of logos), as well as their knowledge of fundamental rights (such as cooling off periods, unfair commercial practices, laws applying for cross border transactions).

Information plays a key role with regard to the development of cross-border e-commerce: cross-border e-commerce continues to grow at a sluggish pace (9% in 2010, compared with 8% in 2009 and 6% in 2008), despite clear benefits in terms of savings and choice as evidenced in earlier studies¹⁰.

With the development of digitalisation, consumers will be increasingly shopping on-line and researching products on-line (especially through smartphones and as members of social networks).

Specific challenges for EU intervention regarding consumer information include the asymmetry of national consumer information, and the dynamics and speed of change in

⁹ NL, SE, DK, FI, IE, UK, BE. See the Eurobarometer N°342: http://ec.europa.eu/public_opinion/index_en.htm
Consumer Empowerment report and Index: http://ec.europa.eu/consumers/strategy/facts_en.htm

¹⁰ Source: 5th Consumer Market scoreboard, March 2011.

information provision and updating. To enable consumers to make optimal choices, they need trustworthy choice tools. While such tools are becoming available on-line (such as comparison websites) the main challenge is to find relevant, accurate and reliable information.

The fact that consumers are not readily able to access, control and use the information that businesses collect about them is an obstacle to improving information, lowering searching and switching costs, improving consumer choice, and promoting competition.

- Inadequacy of current EU consumer education tools, especially with regards to the developments of the digital environment

The evaluation of the consumer education, information and capacity building actions pointed to the fact that the EU education tools in their current, one-size-fits-all form are no longer adapted to consumer needs. The main problems identified include overlaps of target groups, separate collection of information, the fact that the information update cycle is not responsive enough, and overly restrictive channels of dissemination (internet portal and print).

Over the past 10 years, information and technology models have evolved dramatically. Developments include increasing access to the Internet across the EU-27, rapid expansion of e-Commerce in some but not all Member States, accompanied by associated developments in risks to consumers, the rapid emergence of electronic communication forms and social networking tools across the EU, as well as progress in ICT usage in EU-27 schools.

The evaluation has further concluded that target groups of Dolceta and the Diary overlap and may duplicate national resources, that they are not sufficiently responsive to policy developments in terms of their updating cycle and that the channels used are too restrictive to be effective for all target groups.

The evaluation recommends that future education actions be built on current and future behavioural studies that should help understand the dynamic consumer needs at EU level.

In the medium-term, the development of a single, coherent pan –EU consumer information resource should be envisaged. This should be done through engaging the user community in the process of building the information resources, and in cooperation with DG INFSO and DG EAC. This should allow to build a dynamic and interactive community of good practice in consumer information and education, .in line with the objectives of active citizenship.

iii) Consumer rights and redress

The development or the adjustment of EU policies requires studies that necessitate funding from the Programme (of the kind of the study carried out on Online dispute Resolution).

- Sub-optimal protection of consumer rights, in particular in cross-border situations:

Only a third of EU consumers say they are equally confident when ordering goods or services via the internet from sellers or providers in another Member State of the EU than from sellers or providers in their own country¹¹.

¹¹ Eurobarometer "Consumer attitudes towards cross-border trade and consumer protection", September 2010.

Six out of ten companies refrain from selling to e-commerce customers in another Member State, depriving consumers of choice and value.

Outside the fully harmonised areas, the regulatory fragmentation of consumer legislation creates difficulties both for consumers and business seeking to take advantage of the Single Market.

- Problems faced by consumers when trying to secure redress, notably in cross-border situations:

The Empowerment report has shown that more than one in five Europeans has encountered a problem for which they had cause for complaint. The less educated and elderly are more reluctant to seek redress, although they are no less likely to have problems.

Awareness among consumers about the means of redress is insufficient.

- Need to further improve the integration of consumer interests in EU policies (in line with art 12 TFEU):

The most important sectors and emerging challenges for consumers include: consumer choices in recently liberalised or increasingly complex markets (e.g. energy, transport and telecommunications), issues linked to digitalisation (e.g. access to networks and content; privacy), moving towards more sustainable pattern of consumption, the issue of social exclusion/vulnerability exacerbated by the financial crisis¹².

Moreover, it is widely expected that in the coming years, consumers will be faced with higher prices in, for instance, the energy and food sector. The proper functioning of these markets to the benefit of consumers is therefore a key concern.

iv) Enforcement of consumer rights

The evaluation of the current Strategy and Programme concluded that the efficiency of the CPC Network could be further strengthened by improving the coordination of the network.

Awareness about ECC-Net among consumers is not high enough¹³ and a number of complaints brought to the ECCs by consumers remain unresolved because traders do not reply to the ECCs, in the knowledge they are not obliged to collaborate and that ECCs have no powers to enforce compliance¹⁴.

¹² According to the 5th Consumer Conditions Scoreboard, the ability of consumers to afford the same goods and services continues to vary very significantly across the EU. The level of the adjusted gross disposable income of households per capita, measured in Purchasing Power Standards (PPS), which takes account of differences due to different price levels between countries, varies hugely, ranging from Latvia (9045) to Germany (23222). This gives a clear picture of the remaining challenge to harmonise consumer conditions within the single market.

According to a study carried out on the functioning of retail electricity markets, 22% of respondents said they had some problems affording their electricity bill (these respondents either stated that they worry about paying their electricity bills but usually manage to do so, or that they sometimes cannot pay their electricity bills on time, or that they often cannot pay their electricity bills on time). In three countries (NMS), the share is more than half of the respondents.

¹³ Although it is the best known of EU networks (11% of EU consumers have heard about it against 2-6% for other EU networks such as SOLVIT, FIN-net), most consumers have not heard of it (external evaluation of ECC-Net, 2011, page ix).

¹⁴ In 2009, among closed cases, 29% indicated "lack of agreement with the trader".

With regard to funding rules, the current system of annual calls for proposal creates an administrative burden besides the actual work of the ECCs. Moreover, there is a need for greater stability of the financing in order to develop better planning. Finally, more flexibility on the upper limit of co-financing would help to address co-financing issues at a time where national authorities face resources constraints.

v) ***Conclusion: the focus of the actions under the Consumer Programme***

While the problems to be tackled by consumer policy are of multiple kinds and of broad scale, as mentioned above, the relatively small size of the Consumer Programme means that actions to be financed under this Programme have to be targeted on specific areas where intervention at EU level can make a difference and add value.

The selected areas for actions are of three kinds:

- 1) Actions corresponding to legal obligations imposed by the Treaty and the existing EU acquis in the field of consumer protection.
 - Financing the maintenance and proper functioning of the RAPEX Network, of the CPC Network of enforcement authorities and of the cosmetics databases.
- 2) Actions which are not or could not be undertaken at national level because of their EU level character:
 - Assisting consumers on cross-border issues by:
 - co-financing of the operation of the Network of European Consumer Centres (ECCs). National authorities or consumer organisations are usually not in a position to provide advice and support to consumers on cross-border issues
 - establishing and operation of an ODR platform dealing also with cross-border cases
 - Developing cooperation with international partners to deal with the impact of the globalisation of the production chain on product safety
 - Supporting the production of EU-level comparable consumer markets data for benchmarking between Member States and input into EU-level policy-making
 - Ensuring an EU-level representation of consumer interest by financially supporting EU-level consumer organisations
- 3) Actions complementing and enhancing the efficiency of measures undertaken at national level:
 - Coordination and co-financing of joint actions in the field of product safety and of consumer rights enforcement ("Sweeps")
 - Supporting awareness-raising campaigns on consumer issues with Member States and other stakeholders and working with intermediaries to contribute to the provisions of clear, transparent and reliable information to consumers
 - Supporting the training national consumer organisations, which would be much more costly at national level without economy of scale

- Providing a platform for exchange and sharing of good practices in the field of consumer education.

3.3. Necessity and EU added-value

Legal base

Article 169 of TFEU stipulates that "in order to promote the interests of consumers and to ensure a high level of consumer protection, the Union shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests."

The attainment of these objectives can be ensured through measures which support, supplement and monitor the policy pursued by the Member States.

Article 12 TFEU stipulates that "Consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities".

Beneficiaries of the Programme

The beneficiaries of the Programme will be consumers, national authorities in charge of consumer protection and consumer organisations, with the overarching objective of improving the situation of consumers throughout the EU.

The Programme will offer support to consumer organisations at EU and national level, as well as Member States national authorities in charge of product safety and enforcement.

The Programme will also de facto benefit reputable businesses, as effective consumer policy supports the proper functioning of the Single Market, rewards the most competitive companies and drives out rogue operators. Empowered consumers are drivers of innovation and consumer policy will therefore support innovative business. Finally, economic operators will benefit from a level playing field based on clear rules and better coordinated enforcement. In this context, the Programme will contribute to stimulating the economic growth.

The results of the mid-term evaluation of the current Strategy and actions undertaken under the current Programme highlight the complementary nature of EU and national consumer policy (cf. data in annex 2). While Member States are best placed to implement most aspect of consumer policies, a number of EU actions can complement their action and assist them by reason of their scale or effects:

i) Product safety

(Action listed in the Single Market Act)

The operation of the RAPEX system is one of the obligations stemming from the General Product Safety Directive (GPSD) and Regulation 765/2008. Without financial support, activities would not be undertaken at the necessary level and frequency to improve market surveillance cooperation.

Enforcement of product safety by Member States requires coordination at the EU level, because markets and supply chains are ever more complex across Europe and the world. Action at EU level and cooperation through the GPSD network delivers better results than a

series of individual actions by Member States since it fills information gaps, including using information collected by other countries, and avoids disparities in the Single Market. This is essential to a genuinely level playing field for businesses. It produces a consistent approach to the risks from consumer products and offers consumers throughout the EU a high level of protection.

9 out of 10 national authorities believe that RAPEX is useful. This assessment is shared by 6 out of 10 consumer organisations¹⁵.

In the international context, RAPEX also supplies the EU good data to support demands made to China¹⁶, and more generally the basis for discussions with third countries, to improve the quality and safety of products coming from those countries placed on the EU market.

Cosmetic products databases - CPNP & CosIng

CPNP (Cosmetic Products Notification Portal) is an online database developed in the context of the new cosmetic Regulation 1223/2009 (Articles 13 and 16). This database will be used by the cosmetic industry to notify some information about the cosmetic products they place on the European market. Part of this information will be made available to Member States competent authorities for the purpose of market surveillance, market analysis, evaluation and consumer information, and to European poison centres for the purposes of medical treatment in case of poisoning. This database shall be available as from 11 January 2012 and its use will become mandatory as from 11 July 2013.

CosIng is an electronic database on cosmetic ingredients that presents the applicable cosmetic legislation in an easy and user friendly way. It will facilitate the information and access by the competent authorities and by the industry to the relevant legislation.

ii) Consumer education and information

Consumer market monitoring

Only at EU level can comparable data collection and analysis be undertaken to provide overall analysis of the functioning of the demand-side of the Single Market. The peer comparison of national market performance will help national policymakers in their reform programmes and the establishment of benchmarks.

The Consumer Markets Scoreboard provides indicators of consumer conditions in different markets and in Member States. The in-depth market studies of failing consumer markets deliver robust analyses of the policy issues that need to be tackled at EU and/or national level

¹⁵ *Value of RAPEX (evaluation of 2007-2013 Programme): national authorities: around 90% moderately to very useful (close to 70% very useful). Consumer organisations: 60% useful (30% very useful).*

¹⁶ China is the country of origin in approximately 60 % of the RAPEX notifications and in some categories (e.g. toys) the figure is even higher. To date, in total 5469 RAPEX notifications were submitted to Chinese authorities for a follow-up. So far, Chinese authorities have reported conclusions of their investigations carried out with regard to 1,386 notifications; in 795 investigated cases, Chinese authorities decided to take restrictive measures, including an export ban.

to make markets work for consumer. Policy-specific behavioural research and testing provides practical tools to develop smarter regulation.

In general, the data is designed to be sufficiently robust and representative to be used not only at EU but also at national level, thereby delivering some EU-scale efficiency gains and enabling Member States' benchmarking.

The data and analyses are used to help design new policies, for example in e-commerce, a fast growing area bringing about specific challenges for consumers in terms of trust, choice, etc. They are also used to implement legislation in areas that have a significant impact on household budget such as energy, transport, or telecommunications.

9 out of 10 national authorities and consumer organisations believe that the Consumer Markets Scoreboard is useful¹⁷. A number of Member States use it as a basis for developing their own evidence-gathering tools. The added value of the consumer market monitoring tools was also highlighted in the context of the country studies of the mid-term evaluation of the 2007-2013 Programme.

The harmonised methodology for classifying and reporting consumer complaints in the Commission Recommendation aims to provide data on a comparable basis across the EU and between countries and help authorities to identify better the problems consumers face. The possibility to compare complaints with other countries will also be very useful in identifying EU-wide trends.

- Support to consumer organisations

The existence of EU-level consumer organisations is a necessity to ensure that the consumer voice is heard in the preparation of EU initiatives, thus compensating for the lack of balance with industry associations which enjoys vastly superior resources. There is a need for a strong and coherent representation from the consumer movement at EU level with a consolidated consumer input into EU policy-making, EU institutions and EU-level dialogues (including international ones such as the Transatlantic Consumer Dialogue – TACD).

The financial support to BEUC - Bureau Européen des Consommateurs (around 50% of its budget) contributes to the promotion of consumer rights, mainly in the field of financial services, energy, health, safety, food, consumer redress, etc. While BEUC has progressively developed alternative source of funding (membership fees, reply to call for tender) these sources will not cover the whole funding in the foreseeable future.

As far as national consumer organisations are concerned, EU support should only complement national support. EU support leads to economy of scale by providing training to many national consumer organisations at the same time; fosters transfers of knowledge and experience and best practice sharing between participants from different Member States, in particular between those with established consumer support, and others who are less advanced; offers opportunities to build trans-national networks between participants, including for mentoring and peer-review.

¹⁷ *Value of Scoreboard (evaluation of 2007-2013 Programme): national authorities: more than 90% moderately to very useful (40% very useful, i.e. "we use them frequently"). Consumer organisations: 90% useful (25% very useful).*

A consumer is a good consumer in the Single Market only if he/she is a good consumer in the national market. The Commission action is therefore complementary to that of the Member States. Moreover, since BEUC relies to a large extent on national consumer organisations to collect data, it is essential that these organisations have the capacity to provide an accurate image of the situation of national consumers.

Support to national consumer organisations is to enable them to play a role to articulate consumer concerns at national level so that policy-making at EU level accurately reflect the range of issues across the EU. Improve empowerment of consumers, knowledge when making every-day decisions, helps national market and as a consequence EU Single Market.

- Education and awareness-raising

EU consumer information and education initiatives increase consumer knowledge and confidence in cross-border transactions, thus supporting the completion of the Single Market.

EU action on consumer education should promote EU policy priorities (Europe 2020), legislative effort and give attention to cross-border transactions in the EU. It is also a means of exchanging and transferring good practices from one national context to another. It acts as an incentive for raising the overall level of consumer empowerment across the EU, with a positive effect on the competitiveness of the Single Market. Insofar as targeting national audiences, they should be based on a needs analysis i.e. supporting and complementing efforts in Member States, and require intervention with variable geometry to avoid duplication, and even more importantly, to support exchange of best practices and materials between Member States, in order to contribute to the creation of a single, coherent and authoritative source or information at EU level.

iii) Consumer rights and redress

- Ensuring high level of consumer protection

Article 169 TFEU stipulates that the EU to contribute should contribute to protecting the health, safety and economic interest of consumers.

- Integration/mainstreaming of consumer interest in other policy areas

The integration of consumer interests is an obligation stemming from article 12 TFEU.

- Redress

The existing studies point to the need of strengthening means for consumers to resolve their disputes with traders. The lack of efficient ADR/ODR limits the potential of this means of dispute resolution and creates imbalances in the effectiveness of handling consumer disputes in different Member States, in particular as regards cross-border disputes. This situation affects consumers' confidence in shopping across borders. Both businesses¹⁸ and consumers clearly state that concerns about potential redress problems in another Member State

¹⁸ In particular for SMEs since their limited administrative capacity would not allow them to pursue claims through judicial means. The availability of easy dispute resolution such as ADR could address such concerns of small and medium enterprise.

discourage them from selling and buying across borders and thus not fully reaping the potential benefits of internal market¹⁹. In this context; the Commission will consider initiatives in the field of Alternative Dispute Resolutions (ADR) and On-line Dispute Resolution (ODR).

Alternative Dispute Resolution (ADR) will offer consumers and businesses a cheap, rapid and easy way of getting redress out-of-court throughout the EU. ADR schemes respecting core quality principles will be available for all disputes, thus ensuring a level playing field.

Online Dispute Resolution (ODR): The ODR platform will allow national ADR schemes to handle cross-border disputes related to the online sale of goods or services more effectively, by handling the procedure entirely online. The financing of a European platform will allow having a co-ordinated approach and create economies of scales and synergies both of which can only result from action at EU level. As a consequence, ADR, including ODR, is a key action in the Single Market Act.

Out of the 35 000 cross-border consumer complaints received by the ECC network in 2010, 91% could not be referred to an ADR scheme in another Member State²⁰.

iv) Enforcement of consumer rights

- CPC Network (Consumer Protection Cooperation Network):

The Commission is tasked with the management of the CPC network (network of national enforcement authorities). The CPC Regulation (No 2006/2004) provides notably for joint projects, joint enforcement actions and exchange of officials. Cooperation between Member States' authorities improves the effectiveness and efficiency of market surveillance, thus ensuring better protection of the economic interests of European consumers. It contributes to ensuring a level playing field for business, boosting growth and competitiveness in the Single Market. The organisation of joint actions between several Member States (co-financed by the Programme and the Member States) is an effective tool in this respect.

Coordinated joint enforcement actions with the CPC Network such as the "sweeps" are a very efficient way to tackle issues which have a cross-border EU dimension.

- ECC-net (network of European Consumer Centres):

The ECC-Net was established and is co-financed at 50% by the Commission at an annual cost of around 4.6 million euros. It provides a European network informing consumers about their rights when shopping across-borders and supporting them in seeking redress with a trader in another EU Member State (plus Iceland and Norway) when something goes wrong. National consumer associations do not help consumers in cross-border cases. The network covers all Member States and thus secures EU-wide support for consumers.

¹⁹ Reportedly, 1 in 20 consumers faced problems with cross-border purchases of goods or services, while 59% of traders said that an important obstacle to them selling cross-border is the potentially higher cost in resolving complaints and conflicts cross-border compared to domestically.

²⁰ ECC network, 2010 Annual Report

In 2009, cross-border expenditure amounted to 175 billion euros in the EU. The amount spent by consumers on cross-border internet shopping is estimated at 30 billion euros for the same year. In total, these expenditures represent 1.75% of EU GDP.

As the total detriment suffered by EU consumers amounts to 0.4%, the detriment related to cross border shopping (including internet) can be estimated between 500 million and 1 billion euros.

In 2010, ECCs handled over 71,000 cases (+15% compared to 2009). In total, the network helped consumers clarify their claims for an amount of 14 million euros, and the volume of cases handled by the network has increased by more than 25% over the last 5 years.

The services of the ECCs present a positive cost-benefit balance. Every Euro invested helped consumers to settle 1.77 euro worth of complaints and contributed also to the establishment of level playing field for business operators.

4. POLICY OBJECTIVES

The Programme should support the general objective of the future consumer policy which **places the empowered consumer at the centre of the Single Market**. European consumer policy supports and complements national policy by seeking to ensure European citizens can fully reap the benefits of the Single Market and that in so doing, their safety and economic interests are properly protected. The actions will support the following four specific objectives:

- i) **Safety**: to consolidate and enhance product safety through effective market surveillance throughout the Union.

Ensure consumer product safety (operation of the RAPEX network, coordination of joint surveillance actions with Member States and of joint cross-border enforcement; cosmetics); develop international cooperation to deal with the globalisation of production chains; collect data and information on risk and safety aspects of services

Operational objective:

Increase the follow-up by national authorities to RAPEX notifications, both in terms of reactions to notifications and in terms of Member States reacting.

Depending on the outcome of the revision of the General Product Safety Directive (GPSD) which might lead to a unification of market surveillance for harmonised and non harmonised products, the scope of this objective will have to be adapted.

- ii) **Information and education**: to improve consumers' education, information and awareness of their rights, to develop the evidence base for consumer policy and to provide support to consumer organisations.

Enhance consumer market monitoring and understanding of consumer behaviour to better identify market malfunctioning and facilitate smarter policy design

Increase awareness of consumers by providing them with the necessary information and tools to take decisions which really are in their interest when confronted with the increased complexity of choices offered to individuals safe goods or services of their desired quality, including in terms of environmental sustainability; strengthen consumer education in partnerships with Member States and other actors, and ensure that in line with Europe 2020,

the actions SANCO develops are readily accessible not just to the target consumers, but to intermediaries who can focus the information on specific groups, such as for example older or more vulnerable consumers in particular Member States.

Support the consumer organisations both at EU level (financial support to EU level consumer organisations) and at national level (in particular through capacity building)

Operational objectives:

- Improve the comparability and reliability of data based on consumer complaints
- Contribute to rise of consumer trust in cross-border transactions

iii) **Rights and redress:** to consolidate consumer rights in particular through regulatory action and improving access to redress including alternative dispute resolution.

Further improve the integration of consumer interests into all relevant EU policies

Support the development of targeted legislative action at the appropriate level of harmonisation; secure access to redress, including through the support to the development of alternative dispute resolution (ADR) and on-line dispute resolution (ODR).

Operational objectives:

- Increase the number of cross-border cases referred to ADR by the ECCs
- Ensure the rapid uptake of the ODR platform

iv) **Enforcement:** to support enforcement of consumer rights by strengthening cooperation between national enforcement bodies and by supporting consumers with advice.

Strengthen the enforcement of consumer legislation through the CPC-network, coordination of joint actions with Member States

Increase the effectiveness of the ECCs action that is related to provision of information on consumer rights and support in the case of cross-border disputes.

Operational objectives:

- Increase the flow of information and cooperation within the CPC Network
- Increase the number of contacts with consumers handled by ECCs

These objectives are fully supportive to Europe 2020 as regards growth and competitiveness. They will integrate Europe 2020 specific concerns on:

- *digital agenda*, by ensuring that also the development of new technologies (e.g. digitalisation) actually leads to increased consumer welfare;
- *sustainable growth*, by increasing the involvement and participation of consumers in a move towards more sustainable patterns of consumption;
- *social inclusion*, by ensuring that the specific situation of vulnerable consumers and the need of an ageing population are taken into account;

- *smart regulation*, with consumer market monitoring actions (Consumer Market Scoreboard, market studies) providing feedbacks on the policies that deliver results and on emerging trends, thereby contributing to design smart, lean and targeted regulations.

Of course, the ambition of the objectives of the Programme will have to be adapted once the amount of the budget available for consumer policy is decided by the budgetary authorities.

5. POLICY OPTIONS

5.1. Overview of baseline scenario and options

Baseline scenario

The baseline scenario corresponds to the option 1 for the initiatives under the 4 specific objectives (as presented in details below). Under this option, the majority of actions conducted under the 2007-2013 Programme are pursued, with some adaptation. Some actions are substantially reduced or no longer implemented because they are no longer relevant (less emphasis on information campaigns in new Member States following accession, stop of the Master programmes, no substantial development of education tools), while some new actions are launched with a limited level of ambition (for instance on redress). It corresponds to a budget equal to or lower than the one provided under the current Programme (156 millions euros over 7 years).

The effects of the societal changes mentioned under 3.2 means that the impact of similar actions to those conducted under the 2007-2013 Programme will be affected or reduced: the approach on product safety needs to take into account the increased globalisation of the production chain and the growing importance of services; initiatives relating to consumer information and education need to deal with the increased complexity of decision making (information overload; more responsibility shifted to consumers following liberalisation; sophisticated products, services and advertising) and support more strongly the necessity to move towards more sustainable patterns of consumption, the specific needs of vulnerable and ageing consumers. The development of digitalisation, on-line shopping and intermediaries (such as comparison websites) makes necessary the adaptation of consumer information and enforcement initiatives (e.g. on-line Dispute Resolution).

Although it is difficult to make forecast for the period 2014 and beyond, it is to be expected that the pressure on resources will continue among national administrations dealing with consumer policy issues, for instance on market surveillance and enforcement.

Consumer organisations are in danger of seeing financial support by national authorities being substantially cut, in particular in new Member States²¹.

In time of economic uncertainty, manufacturers cut corners and might more frequently have recourse to fraud, people tend to buy cheaper goods and be subject to scams.

Other options:

²¹ BEUC report on "Reinforcing the Consumer Movement in Central, Eastern and South Eastern Europe (CESEE)", 2011.

When considering globally the elements under each of the four objectives of the programme, the other options can be summarised as follows:

- The option 0 corresponds to the absolute minimum actions to be financed resulting from the legal obligations imposed by the Treaty and the existing EU acquis in the field of consumer protection.
- The option 2 corresponds to a more ambitious approach in line with Commission priorities (Europe 2020, Single Market Act) and the on-going reflection on the future of consumer policy²². The budget under this option is around 25 millions euros annually.
- The option 3 would require an increase of budget compare to the current programme for additional actions on some of the components of the programme such as: the development of a public consumer product safety database; redress: setting a fund to support the financing of cross-border redress actions.

The Communication COM(2011)500 of 29/06/2011 allocated 175 millions (in constant 2011 prices) to the Consumer Programme for the period 2014-2020.

The option 3 which had been initially considered has therefore been discarded since it did not fit with this allocation. It is mentioned below in the description of options but is not subsequently evaluated.

Indicative table of funding distribution under the options:

Change in level of funding as compared to the 2007-2010 period:

= : approximately the same level of funding;

+ / ++ : higher level of funding / substantially high level of funding;

- / - - : lower level of funding / substantially lower level of funding

	2007-2010 average	Option 1	Option 2
i) Safety			
• RAPEX	2,300,000	=	++
• Cosmetics	0	++	++
ii) Information and education			
• Consumer market monitoring	3,000,000	=	+
• Consumer organisations	2,100,000	=	+
• Consumer education	3,800,000	--	- <i>Refocused on new activities</i>
• Consumer information	1,100,000	--	- <i>Refocused on new activities</i>

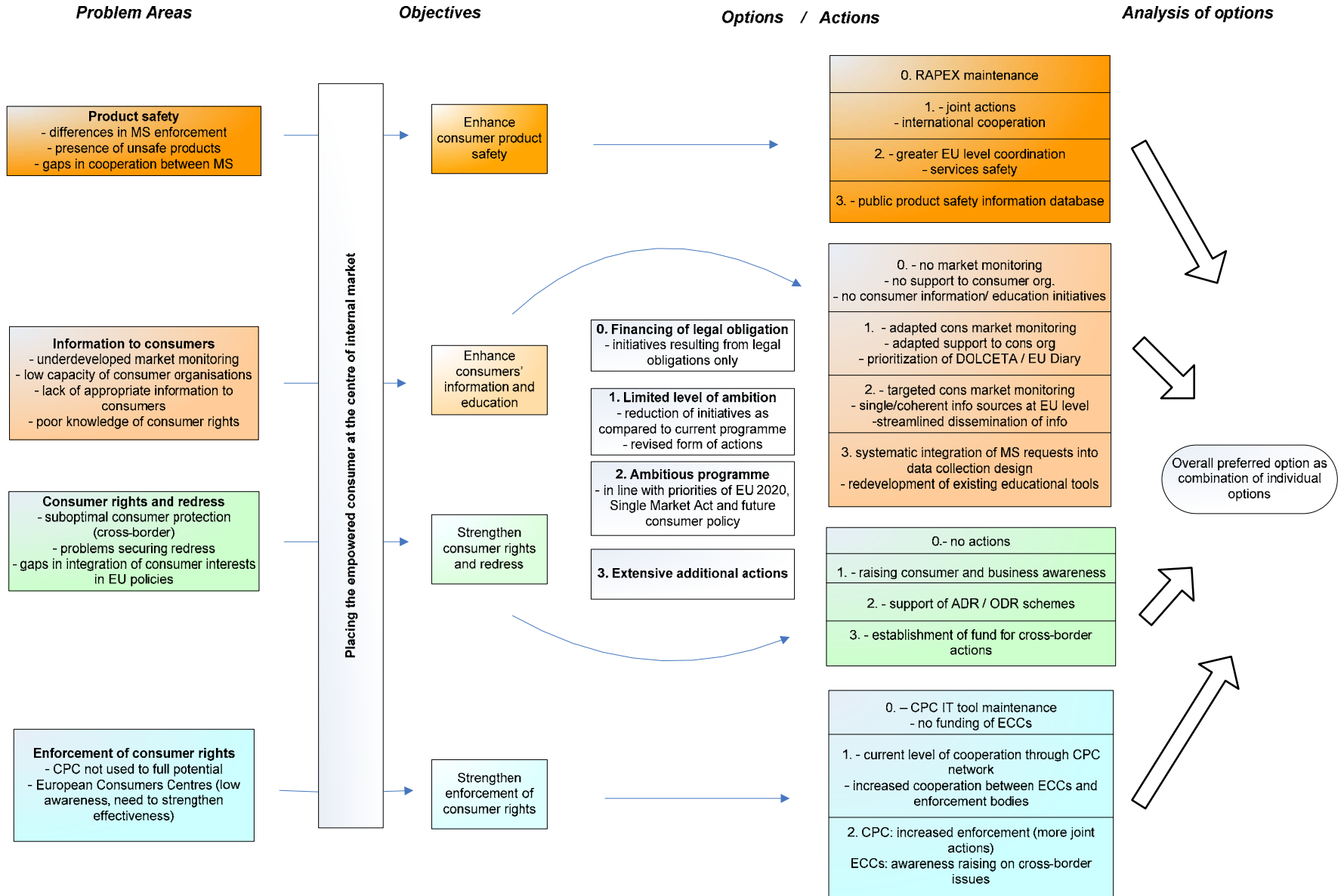
²² which might take the form of a Consumer Agenda to be published in 2012.

iii) Rights and redress			
• Preparation of legislation	700,000	-	-
• Redress	0	+	++
iv) Enforcement			
• CPC Network	500,000	=	+
• ECC Network	4,000,000	=	++

The data in the table are purely indicative and cover the main actions only.

The following activities financed under the Consumer Programme 2007-2013 will be covered by other programmes during the period 2014-2020: financial support to ANEC (DG Enterprise programme); activities relating to the Unfair Commercial Practice (DG Justice programme).

The methodology and intervention logic are outlined in the chart on next page.



5.2. Detailed description of the options

In order to ensure flexibility, the options are presented for each of the four components.

i) Safety: to consolidate and enhance product safety through effective market surveillance throughout the Union

The GPSD will be revised before 2014.

RAPEX

Option 0 (only legally compulsory spending):

Maintenance of the RAPEX system, which is a legal obligation.

Cosmetic Products Notifications Portal (CPNP): the creation of this European database for cosmetic products is a legal requirement of Regulation 1223/2009 on cosmetic products.

Option 1 (baseline):

Ensure the stability and continuity of the product safety system by defining a long-term perspective for the operation of the RAPEX network and the coordination of joint surveillance actions with Member States

Pursue the development of international cooperation to deal with the globalisation of production chains.

Co-financing from the EU consumer policy budget to the Member States has been (pending structural changes) between 50 and 70 % of the total costs of the joint actions, amounting annually to approximately 1.5 million euros. As such annual and project-based funding is not the most appropriate form, steps will be taken to put in place a more permanent coordination structure.

Option 2 (additional):

Improve the coordination of market surveillance activities through the creation of an EU level coordination body.

Note: The new market surveillance legislation resulting from the ongoing revision of the GPSD should define the specific instruments by which such a body is funded and the appropriate funding should be made available.

Raise the EU share of co-financing for joint actions and exchange of officials.

Study the opportunity of developing EU initiatives in the field of services safety.

Option 3 (additional) – "screened out"

Possible development of a public Consumer Product Safety Information Database, including a platform for complaints.

ii) *Information and education: to improve consumers' education, information and awareness of their rights, to develop the evidence base for consumer policy and to provide support to consumer organisations*

- **Consumer markets monitoring**

Option 0 (only legally compulsory spending):

Stop all activities in the field of consumer market monitoring.

Option 1 (baseline):

Pursue with the Consumer Markets Scoreboard and in-depth studies, adapting the frequency and markets coverage to the budget available.

Support the Commission work in the field of behavioural economics on a relatively ad hoc basis.

Option 2 (additional to option 1):

Target the Consumer Markets Scoreboard to specific problems in the functioning of the Single Market, which negatively affect consumers with a view to identifying solutions benefiting the consumer.

Target studies and surveys with a view to providing policy advice on subjects with a bearing on consumer interests, across all policy areas.

Use studies on behavioural economics to inform policy makers across policy areas on matters affecting consumer interest.

Make the evidence gathering at EU level (including behavioural studies) available in a more systematic way to other Commission services and provide incentives for them to use it including through tailored-made approaches, which may suppose additional financing.

Promote the use of EU data on consumers in Member States' policies.

Option 3 (additional to option 2) – "screened out":

Systematically integrate requests from Members States into data collection design.

- **Supporting consumer organisations**

Option 0 (only legally compulsory spending):

No financial support to consumer organisations.

Option 1 (baseline):

- Pursue the financial support to EU level consumer organisations, using whenever possible partnership agreements in order to streamline financing procedures.
- Pursue (and adapt) the support to capacity building for national consumer organisations subject to a proper monitoring on the performance delivered. Explore the possibility and value of organisation of training in Member States. Promote multipliers of expertise at a national level.

- Work with national authorities to address the heterogeneity of the national consumer organisations standing (and their sometimes difficult situation, especially in the new Member States). The solution most probably will not come from EU level funding but from proper recognition of the importance of consumer organisations at national level.

Option 2 (additional to option 1):

Support international cooperation between consumer organisations (e.g. TACD²³) to mirror transatlantic enforcement cooperation.

Option 3 (additional to option 1 or 2) – "screened out":

Include the possibility to extend support to EU level sectoral organisations.

- **Consumer information**

Option 0 (only legally compulsory spending):

Discontinue support to all activities in the field of consumer information, with the exception of Europa website, DG Health and Consumer Newsletter and other in-house information products.

Option 1 (baseline):

Continue to support information campaigns on consumer rights exclusively for acceding Member States.

Option 2 (additional to option 1):

Support awareness-raising campaigns together with Member States, possibly associating other stakeholders. Such campaigns will continue to involve ECCs, national consumer authorities and consumer organisations as appropriate.

Develop new actions to increase price transparency, stimulate cross border price comparison, increase trust in price comparison results and usability of such data for consumers, product testing, and dissemination including by mainstream media. Actions could include supporting:

- the development of code of conduct/best practice guidelines for price comparison websites
- guidance for the development of EU-wide multilingual price comparison and comparative testing websites
- the development of EU guidelines on price transparency (in services of general interest, on-line sales)
- promoting the sharing of best practices on facilitating access to information on complaints and other forms of consumer feedback about bad business practices and enable cross border access to such data
- the sharing of best practices on facilitating consumer access to personal data
- facilitating EU-wide comparative product testing and dissemination of this information

²³ The Transatlantic Consumer Dialogue (TACD) - forum of US and EU consumer organisations promoting joint consumer policy recommendations to the US government and the European Commission.

These actions will take into account the specific needs of older and vulnerable consumers.

- **Consumer education**

- Option 0 (only legally compulsory spending):

- No financial support to consumer education initiatives.

- Option 1 (baseline):

- Keep the existing tools but focus on a more selective portfolio of activities. Prioritise DOLCETA and the Europa Diary in terms of target users and information needs that are not met through existing EU or national information sources.

- Consider the extent to which DOLCETA can link to other information resources available at the national levels, and prioritise resources on the identified 'gaps' in consumer education.

- Option 2 (alternative):

- Re-focus the resources currently allocated separately to DOLCETA and the Europa Diary (and TRACE) at two main activities: the development of the content; and the dissemination of the content through different channels for education purposes depending on target audience. The development and dissemination of the content will be consulted with the community of practice composed of consumer organisations and other stakeholders across Member States.

- It will be also supported by a network of stakeholders such as teachers, NGO's, social services etc. where the participants will continuously share information, skills, and best practice.

- Option 3 (alternative) – "screened out":

- Re-develop DOLCETA to be a dynamic and comprehensive information and education resource available in all 21 official languages. It would be updated at the same speed as national sites so that there is synchronicity of information.

- Make a multi-lingual Europa Diary available in printed form to all schools in the EU each year for all students in the 15-18 year target group, and would be linked link it to modern ICTs such as 3-G mobile phone apps and interactive tools using social networking.

- iii) ***Rights and redress: to consolidate consumer rights in particular through regulatory action and improving access to redress including alternative dispute resolution***

- **Supporting the preparation of consumer legislation**

- The revision of existing legislation or the proposal of new legislation will be subject to a separate impact assessment (specific studies might be needed to support such impact assessments).*

- **Redress**

- Option 0 (only legally compulsory spending):

- No financial support to actions in the field of redress.

Option 1 (baseline):

Raise consumer and business awareness of consumer rights and the means to resolve disputes and obtain compensation by various means (e.g. leaflets, video, social media).

Option 2 (additional to option 1):

Support ADR and on-line dispute resolution (ODR) schemes. Financing a platform, including for associated services such as translation.

Option 3 (additional to option 2) – "screened out":

Collective redress: look at the feasibility to set up a fund to support the financing of cross-border actions.

iv) Enforcement: to support enforcement of consumer rights by strengthening cooperation between national enforcement bodies and by supporting consumers with advice

• **CPC – network of enforcement authorities**

The Commission will present a proposal for the revision of the CPC Regulation in 2014.

Option 0 (only legally compulsory spending):

Only maintenance of the IT tool (in line with the obligation stemming from the CPC Regulation).

Option 1 (baseline):

Pursue current level of cooperation through the network, including one yearly Sweep exercise, common activities and workshops for the CPC authorities.

Option 2 (additional to option 1):

Raise financial support to develop more frequent joint actions.

In addition a follow-up exercise to every Sweep where Member States or an external contractor could verify after a period of time whether the websites checked in the past still comply with legal requirements.

• **European Consumer Centres network (ECC-net):**

Option 0 (only legally compulsory spending):

End the co-financing of ECCs.

Option 1 (baseline):

Strengthen the cooperation with enforcement bodies (CPC-Network) through the establishment of agreements on e.g. information sharing and evidence about complaints. Where applicable the ECC-Net could establish protocols for cooperation with CPC and with Alternative Dispute Resolution schemes, such as setting out procedures for referral to ADRs.

The ECC-net is co-financed with grant by the Commission and by Member States on a 50% basis. The possibility to replace the current system of annual grants by a framework partnership agreement (that would reduce the administrative burden and allow the ECC-Net to undertake medium term forward planning) could be studied.

Option 2 (additional to option 1):

The ECC-Net could put greater emphasis on consumer awareness campaigns of a preventive nature on cross border issues.

The ECC-Net could be encouraged to make proactive and preventive approach towards targeted traders (within key sectors) in order to raise their awareness about and compliance with consumers' rights via voluntary self-regulatory measures.

The ECC-Net could provide support to the web-based platform for ODR.

6. ANALYSING THE OPTIONS

Overall impact on simplification and reduction of burden

The Programme is expected to have an impact with regard to simplification by:

- simplifying consumer market monitoring (with Member States increasingly using results from the Consumer Market Scoreboard and the market studies, including for benchmarking). This leads to a better understanding of consumers and business and provides feedbacks on the policies that deliver results and on emerging trends, thereby contributing to design smart, lean and targeted EU policies. The cooperation with Member States on data collection is voluntary;
- streamlining cooperation between Member States through exchange of information and experience (CPN, CPC), as well as joint actions (RAPEX, sweeps);
- ensuring a convergence in the implementation of consumer policy, thus establishing a level playing field for business and simplifying life for consumers;
- putting in place structured cooperation with third countries (e.g. RAPEX China for the monitoring of unsafe products from China).

The Programme incorporates EEA and EFTA countries.

By contributing to the improving of the functioning of the Single Market, the Programme will have a positive impact on businesses and SMEs in particular. Some education tools are already used by SMEs. Using the ECCs as intermediaries might also help SMEs.

The cooperation with the USA facilitates regulatory convergence by common understanding and exchange of views.

The tables below indicate, for each of the problem identified in section 3.2 above, to which extent the various options respond to this problem and contribute to achieving the objective.

Impact: ---: much lower; --: lower; slightly lower; 0: baseline; + slightly higher; ++: higher; +++ much higher

Cost: ---: much more expensive; --: more expensive; slightly more expensive; 0: baseline; + slightly less expensive; ++: less expensive; +++ much less expensive

Impact/cost: ---: much lower; --: lower; slightly lower; 0: baseline; + slightly higher; ++: higher; +++ much higher

		ANALYSIS OF HOW ACTIONS ACHIEVE OBJECTIVES	IMPACT	COST	IMPACT / COST
Objective 1 - Safety: to consolidate and enhance product safety through effective market surveillance throughout the Union <u>The GPSD will be revised before 2014.</u>					
Option 0 (legal obligations only)	Maintenance of the RAPEX network	Maintenance of the system, discontinue joint surveillance actions. Establishment and maintenance of the Cosmetic Products Notifications Portal (CPNP).	---	+	--
Option 1 (baseline)	Ensure the stability and continuity of the product safety system by defining a long-term perspective for the operation of the RAPEX network and the coordination of joint surveillance actions with Member States Pursue the development of international cooperation to deal with the globalisation of production chains.	Under this option, the current system will be maintained; some streamlining in terms of procedures could take place, but no additional effort on enforcement.	0	0	0
Option 2 (additional)	Greater coordination of market surveillance activities through the creation of an EU level coordination body. Raise the EU share of co-financing for joint actions and exchange of officials. Study the opportunity of developing initiatives in the field of services safety.	The creation of an EU level coordination body (not an Agency or any sort of EU body) is expected to lead to a streamlining of the funding procedures, better planning, coordination and information sharing between the authorities, as well as joint cross-border enforcement action. This would contribute to the reinforcement of safety levels throughout the EU and better functioning of the Single Market. The multi-annual framework for market surveillance co-proposed by ENTR, SANCO and TAXUD should also provide for additional financial support to this objective. The importance of increased enforcement actions (and corresponding support from Commission) has been stressed by stakeholders in 2010 in the context of the public consultation on the review of the General Product Safety Directive. Joint actions lead to common understanding of risks and more surveillance activities on a given product (in line with what has been done in the past years on e.g. children clothing, lighters and baby walkers and helmets).	+++	-	++

		ANALYSIS OF HOW ACTIONS ACHIEVE OBJECTIVES	IMPACT	COST	IMPACT / COST
Objective 2 - Information and education: to improve consumers' education, information and awareness of their rights, to develop the evidence base for consumer policy and to provide support to consumer organisations					
	<ul style="list-style-type: none"> Consumer market monitoring 				
Option 0 (legal obligations)	Stop all consumer market monitoring activities		---	++	-
Option 1 (baseline)	Scoreboard and studies with current frequency and coverage Behavioural economic ad hoc support to policy design	Under this option, the current data collection will be maintained (annual screening of 50 consumer markets, 2 in-depth market studies yearly), some smaller adaptation in terms of frequency or coverage could take place, but no additional market or consumer evidence could be collected. This minimal option would not properly address the need for translating the findings into smart policies. This minimal option would not leave room for new data needs that may arise as a result of future consumer trends and challenges.	0	0	0
Option 2 (additional to 1)	Target Scoreboard and studies to specific problems in the functioning of the Single Market. Target studies and surveys with a view to providing policy advice on subjects with a bearing on consumer interests, across all policy areas. Tailor-made approach to provide support to other Commission services including more developed behavioural aspects Look at possibilities to further increase the use of the data at national level.	Under this option, the need to translate findings into smart policies will be better addressed. Including behavioural issues by testing different policy options is crucial for the success of priority policies with a consumer dimension since opinion and perception are not sufficient (as highlighted at the 2011 Consumer Summit). Impact of studies: 50 markets are screened annually with regard to how well they perform in terms of comparability, trust, problems and complaints, and overall satisfaction. Each year two in-depth market studies are carried out. A previous study on bank fees led the banking industry to voluntarily develop a code to make bank fees more transparent. As a follow-up to a study on retail electricity, the regulators are developing guidelines on comparability of tariffs and switching and the industry helped developing a consumer-friendly bill. The results of a behavioural study on retail investment decisions will feed into the Commission's work on Packaged Retail Investment Products. Developing a tailor-made approach contributes to designing smarter policies with a bigger impact (better up-take by consumers), focused on sectors linked to Europe 2020. Better understanding the growing gap between consumers (need for in-depth studies on specific sectors and consumer groups: digital, ageing population) addresses the need for better including the needs of specific groups of consumers in policies (including vulnerable consumers). It contributes to strengthening the impact of policies affecting consumers, including with regards to the move towards more sustainable patterns of consumption. Additional analysis of the data with a focus on benchmarking national consumer policies, together with targeted discussions on these findings, will ensure that Member States make more use of the data when prioritising their national actions. Since the establishment of the Scoreboard, several Member States have begun to use the Scoreboard data. For example, the Belgian authorities have set up a 'Consumption Observatory' within the ministry which will coordinate the national contributions to the consumer Scoreboard and ensure better use of the data. In this frame, the authorities also have regular meetings with the "Consumption Council", a body bringing together relevant national stakeholders, to disseminate the findings and promote their	++	-	+

		<p>use. In the Netherlands, the consumer authorities are discussing the Scoreboard market data with the other relevant ministries (energy, transport, etc.) to ensure that consumer interests are taken up in sectoral policy actions. In Finland, the main consumer research centre will prepare regular reports on the Finish data provided in the Scoreboard. The consumer authorities of Denmark, Sweden, the UK, the Netherlands and Norway are meeting regularly with the Commission to discuss their respective market monitoring exercises. Finally, more than half of the Member States have started to implement the complaints recommendation and many use it to prioritise enforcement activities.</p> <p>It involves some additional cost but the expected impact of smarter consumer policies far outweighs the additional cost.</p>			
	<ul style="list-style-type: none"> • Consumer organisations 				
Option 0 (legal obligations)	Discontinue support to consumer organisations at EU and at national level	No organised consumer voice and input into EU policy making.	---	++	-
Option 1 (baseline)	<p>Pursue the financial support to EU level consumer organisations, using whenever possible partnership agreements in order to streamline financing procedures.</p> <p>Pursue (and adapt) the support to capacity building for consumer national organisations subject to a proper monitoring of the performance delivered. Explore the possibility and value of organisation of training in Member States. Promote multipliers of expertise at a national level.</p> <p>Work with national authorities to address the heterogeneity of the national consumer organisations standing (and their sometimes difficult situation, especially in the new Member States).</p>	<p>The EU level organisations play a key role to convey consumer the voice into EU policy making and support national consumer organisations especially in Member States having joined the EU after 2004.</p> <p>The use of partnership agreements has proved to have a positive impact on the streamlining of the financing procedures under the 2007-2013 Programme and should be pursued under the new Programme.</p> <p>Capacity building for national consumer organisations is primarily the responsibility of Member States, but there is an EU interest in a strong consumer voice, including at national level, including for the proper functioning of the national / single market.</p> <p>The recent evaluation on training courses organised in the framework of TRACE showed that was evidence that TRACE was helping build the capacity of consumer organisations. For the future, it was recommended that the training courses will continue via new training models (such as blended learning) and train multipliers.</p> <p>According to the annual 2010 evaluation made by BEUC, 95% of the respondents among the participants to the TRACE courses indicated that the courses have had a large to medium impact on their daily work and organisations (highest satisfaction rates for the courses on consumer law and financial capacity-building courses).</p> <p>Enlarging the target group for the training through the use of languages other than English (distance-learning or courses in Member States), the combination of traditional and on-line courses and relying on multipliers will increase the impact.</p>	0	0	0
Option 2 (additional to 1)	Support international cooperation between consumer organisations (e.g. TACD) to mirror transatlantic enforcement cooperation.	<p>Relatively low budget and potentially positive impact but <u>conditioned</u> to equal support and political commitment from the US side.</p> <p>It would support a convergent regulatory approach to emerging consumer issues (for instance on nanotechnologies, digital and sustainability issues).</p>	++	-	+
	<ul style="list-style-type: none"> • Consumer information 				

Option 0	Stop all consumer information initiatives, except Europa website, DG SANCO newsletters and other in-house information products	This option does not address the issues identified in terms of consumer information since dealing with e.g. cross-border on-line issues requests EU intervention.	--	+	-
Option 1 (baseline)	Information campaigns on consumer rights exclusively for acceding Member States	This option is a minimal one, a necessary but one-off awareness-raising exercise for acceding Member States.	0	0	0
Option 2 (additional to 1)	Support awareness-raising campaigns together with Member States, possibly associating other stakeholders. Develop guidance on price transparency, cross-border price comparison and facilitate EU-wide product testing. Support the dissemination of information, including through mainstream media.	This option supports the provision of information to consumers through the appropriate channels and the development of tools, thus contributing to increasing consumers trust notably with regard to cross-border e-commerce, and to the move towards more sustainable patterns of consumption. The use of appropriate channels of communication should allow reaching specific targets such as vulnerable and older consumers. Guidance on pricing should be targeted at national enforcement authorities (including regulators in liberalised industries) and aim at ensuring that information are accurate, objective and easy to use. Private firms have not supplied sufficiently reliable cross-border comparison tools because there are legal and technical difficulties and, according to some stakeholders, a desire to maintain a segmentation of the Single Market for commercial ("anti-competitive") ends.	+++	--	+
	• Consumer education				
Option 0 (legal obligations)	Stop all consumer education initiatives	Completely stopping education tools would lead to a loss of the resources invested until now into their development and the momentum that has been built up at various levels across Member States in school curricula regarding EU consumer issues.	---	++	-
Option 1 (baseline)	Keep the existing tools but concentrate on a more selective portfolio of activities. Prioritise DOLCETA and the Diary in terms of target users and information needs that are not met through existing EU or national information sources. Consider the extent to which DOLCETA can link to other information resources available at the national levels, and prioritise resources on the 'gaps'.	This option will not address the overarching problem of uneven and duplicated information. The content update cycle would remain not frequent enough.	0	0	0
Option 2 (alternative)	Re-focus the resources currently allocated separately to DOLCETA and the Europa Diary (and TRACE) at two main activities: the development of the content; and the dissemination of the content through different channels for education purposes depending on target audience. The development and dissemination of the content will be consulted with the community of practice composed of consumer organisations and other stakeholders across Member States. It will be also supported by a network of stakeholders such as teachers, NGO's, social services etc.; where the participants will	This option addresses the issue of uneven and duplicate information through the establishment of a single and coherent information resource. The variable geometry of this option will allow the update, when needed, such as with articles, news or consumer related issues. The content can be developed in new areas and will address policy priorities such as media literacy or sustainable consumption. Synergies between education and information tools and partnerships with other actors would lead to savings in terms of resources (in particular with regard to content development). It will also enable to make consumer education interact with other areas relevant for consumer protection. As regards the development and dissemination of the content, stakeholders and the network of practitioners will have a constant opportunity to comment on the content as it will be continuously updated.	++	-	+

	continuously share information, skills, and best practice.	The use of intermediaries and digital channels and content, should allow a broader dissemination than current tools like Dolceta. The use of more flexible and adapted delivery channels will increase the impact.			
--	--	--	--	--	--

		ANALYSIS OF HOW ACTIONS ACHIEVE OBJECTIVES	IMPACT	COST	IMPACT / COST
Objective 3 - Rights and redress: to consolidate consumer rights in particular through regulatory action and improving access to redress including alternative dispute resolution					
	<ul style="list-style-type: none"> • Support the preparation of consumer legislation 	<i>The revision of existing legislation or the proposal of new legislation will be subject to a separate impact assessment (specific studies might be needed to support such impact assessments).</i>			
	<ul style="list-style-type: none"> • Redress 				
Option 0 (legal obligations)	No awareness-raising actions, no support through ODR	The lack of awareness among consumers and traders of the existence and opportunities offered by ADR would greatly limit the effectiveness of this tool.	--	+	-
Option 1 (baseline)	Raise consumer and business awareness of consumer rights and the means to resolve disputes and obtain compensation through ADR and ODR schemes.	This is the minimum option following the expected establishment of ADR schemes by 2014.	0	0	0
Option 2 (additional to 1)	Support ADR and on-line dispute resolution (ODR). Finance a platform, including for associated services such as translation.	This option would entail additional non negligible cost, but the cost would be more than compensated by increased access to redress for consumers. All stakeholders (consumers, businesses) agree about the advantages of ADR, in terms of efficiency and about the very substantial potential savings compared to judicial proceedings (e.g. 2011 Consumer Summit).	++	-	+

Objective 4 - Enforcement: to support enforcement of consumer rights by strengthening cooperation between national enforcement bodies and by supporting consumers with advice					
	<ul style="list-style-type: none"> • CPC – network of enforcement authorities 	<u>The Commission will present a proposal for the revision of the CPC Regulation in 2014</u>			
Option 0 (legal obligations)	Only the maintenance of the IT tool would be ensured (in line with the obligation stemming from the CPC Regulation).	No common activities, no exchange of officials, no Sweeps	--	+	-

Option 1 (baseline)	Pursue current level of cooperation through the network, including one yearly Sweep exercise, common activities and workshops for CPC authorities	This option corresponds to maintaining current activity level (providing IT support and ensuring that Member States meet their legal obligation under CPC). It does not address the need for strengthening enforcement.	0	0	0
Option 2 (additional to 1)	Raise the EU funding for more frequent joint actions. In addition a follow-up exercise to every Sweep where Member States or an external contractor could verify after a period of time whether the websites checked in the past still comply with legal requirements.	Under this option, we would work towards greater uniformity of enforcement, the prioritisation of enforcement cases and an increased role of the Commission in coordinating the CPC (as requested by a number of Member States), thus exploiting better the full potential of the CPC network and achieving a bigger impact. It is expected to achieve similar or higher rate of success than in the actions conducted so far across more sectors. - 2008 Sweep on ringtones: out of the 301 websites checked 70% were corrected after the enforcement phase. - 2009 Sweep on electronic goods: out of the 369 websites checked, 84% complied after the enforcement phase.	++	-	+
	<ul style="list-style-type: none"> European Consumer Centres network (ECC) 				
Option 0 (legal obligations)	End to co-financing of ECC	There would be no such action at the level of the Member States if the EU withdrew its engagement resulting in detriment to consumers in cross-border activity. The lack of consumer confidence to purchase cross-border would undermine the very essence of the Single Market.	---	++	-
Option 1 (baseline)	Strengthen the cooperation with enforcement bodies through the establishment of agreements on e.g. information sharing and evidence about complaints. Where applicable the ECC-Net could establish protocols for cooperation with ADRs, such as setting out procedures for referral to ADRs. The current system of annual grants could be replaced by a framework partnership agreement.	Positive cost-benefit balance: 1.77 times its cost to tax payer (results of ECC evaluation) This option addresses the main shortcomings identified in the ECC evaluation with regard to enforcement. With regard to the co-financing process, framework partnership agreements would lead to a streamlining of procedures, reduce the administrative burden and provide greater stability conducive to better medium-term planning. It is expected that the number of cases handled by the ECCs (71,000 cases in 2010, +15% compared to 2009) will further increase.	0	0	0
Option 2 (additional to 1)	The ECC-Net could put grater emphasis on consumer awareness campaigns of a preventive nature on cross-border issues. ECCs to make proactive and preventive approach towards targeted traders in order to raise their awareness about and compliance with consumers' rights via voluntary self-regulatory measures.	Focussing more on complaints handling and launching information campaigns on major cross-border consumer issues conducted through the whole ECC Network at the same time would contribute to raising awareness among consumers and thus reducing consumer detriment and the cost linked to corrective measures (e.g. redress).	+++	-	++

7. COMPARING THE OPTIONS

The choice of the preferred option under the four objectives of the Programme is summarised below.

- **Safety: to consolidate and enhance product safety through effective market surveillance throughout the Union**

Option 0, which entails maintaining the RAPEX notification system and setting up the cosmetics database (CPNP), has the lowest budgetary implications. However, its impact in terms of effective detection of unsafe products on the market would not be satisfactory. Option 1 corresponds to maintaining the current level of coordination actions and joint surveillance. It provides more effective protection for consumers against unsafe products, but it does not factor in the stakeholders' request for greater coordination and increased enforcement.

This issue is addressed in option 2, which allows for better planning and information sharing between authorities, as well as more effective enforcement action, including joint cross-border enforcement. This option guarantees the most effective use of the notification and surveillance system at EU level.

- **Information and education: to improve consumers' education, information and awareness of their rights, to develop the evidence base for consumer policy and to provide support to consumer organisations**

Option 0 entails no action at EU level on information and education, no consumer market monitoring activities and no support to consumer organisations (which means in practice the likely disappearance of substantial and coherent consumer input into EU policy-making). Option 0 does not respond to the needs expressed by policy makers at national and EU level for more evidence based approach to consumer policy.

Option 1 entails a minimum adaptation of current consumer market monitoring activities. It ensures support to consumer organisations (financial support to EU level organisations, capacity-building for national ones) but it does not support international cooperation. This option does not address the issue of providing consumer with information supporting the development of cross-border shopping and the need for an overhaul of consumer education initiatives (as highlighted in the separate evaluation of consumer information and education actions).

In contrast, option 2 envisages the development of a single and coherent information resource on consumer affairs at EU level and design interventions sensitive to the channels used by the target groups. It entails the development of tailor-made approach with regard to market monitoring and better understanding of consumer behaviour to design smarter policies (better up-take by consumers), focused on sectors linked to Europe 2020 and relating to emerging challenges (increased complexity, digital, sustainability, ageing population). While entailing medium budgetary costs, this option appears to best address the needs identified by the external evaluation of the information and education tools and in terms of market monitoring.

- **Rights and redress: to consolidate consumer rights in particular through regulatory action and improving access to redress including alternative dispute resolution**

Under option 0, consumers and business will not be made aware of the potential benefit of Alternative Dispute Resolution, thus limiting its effectiveness. Option 1 addresses the issue of awareness-raising.

Option 2 further enhances the effectiveness of ADR through the development of on-line dispute resolution (ODR). This option appears to be the most effective in passing to consumers the benefits of the savings brought by ADR compared to judicial proceedings.

- **Enforcement: to support enforcement of consumer rights by strengthening cooperation between national enforcement bodies and by supporting consumers with advice**

Option 0 corresponds to a minimum level of activities and cooperation between national enforcement authorities and the disappearance of the ECC-net, the only network supporting consumers when shopping cross-border. Under option 1, the current level of activity is maintained both for the CPC and the ECC-network while addressing the main shortcomings identified in the functioning of the two networks. It would however not address the need for strengthened enforcement.

Option 2 tackles this issue and better exploits the potential of the two networks: increased coordination at EU level within the CPC (as requested by Member States), leading to greater unity of enforcement and better prioritisation of enforcement cases; strengthening the effectiveness of ECCs in line with expected increase of cross-border purchases. It is the preferred option.

As a conclusion, option 0, which correspond to maintaining the minimum level of intervention imposed by the law and discontinuing a number of actions at EU level, would cause a reduction of EU support to consumer policy, and would contravene the EU commitments expressed notably in the Europe 2020 Strategy and the Single Market Act as well as the conclusions of the evaluation of the current Consumer Policy Strategy and the existing financial programme. It would fail to guarantee an adequate support to the future consumer policy currently under preparation.

Option 1, corresponding to a budget equal to or lower than the current Programme, would not allow addressing satisfactorily the challenges faced by consumers and consumer policy makers in the next years while option 3, corresponding to a substantial increase of the consumer budget, may not be realistic and entails substantial additional costs not commensurate with the attached additional benefits.

Option 2 (corresponding to option 2 for each of the actions) is the best option from a cost/benefit point of view. The budget under this option would be around 25 millions euro (2011 constant prices) annually, which is in line with the proposed budget allocation for the consumer programme in the Communication COM(2011)500 of 29/06/2011. It also addresses the problems identified with regards to the administration of funds: partnerships agreements, currently used for the support to EU consumer organisations, could also be used for the co-financing of ECCs; the creation of an EU level coordination body for market surveillance relating to safety should also lead to a streamlining of the funding process in this area..

The possibility to use lump sums whenever possible will be examined so as to reduce the administrative burden.

The management by the Executive Agency for Health and Consumers also contributes to the streamlining of procedures in the management of the funding process.

Under this option, the Programme will be able to support the objectives of Europe 2020 and of the future consumer policy, focussing on safety, information and education, rights and redress and enforcement.

8. MONITORING AND EVALUATION

The Programme will foresee a mid-term and an ex-post evaluation at an appropriate date.

The ex-post evaluation of the current (2007-2013) Programme (foreseen before end 2015) will also provide useful elements for the implementation of the next Programme.

A set of indicators has been defined for the 4 specific objectives of the Programme to monitor its implementation.

The objectives are indicative and the baseline will have to be adjusted with the 2013 values.

As part of the mid-term evaluation or when necessary, the objectives will be reviewed to guard against the possibility of diminishing returns or capacity limits.

Objective 1: **Safety - to consolidate and enhance product safety through effective market surveillance throughout the Union**

Indicator	Source	Current situation	Target
% of RAPEX notifications entailing at least one reaction (by other Member States)	RAPEX	43% (843 notifications) in 2010	Increase of 10% in 7 years
Ratio number of reactions / number of notifications (serious risks)*	RAPEX	1.07. in 2010	Increase of 15% in 7 years

* a notification usually triggers several reactions from authorities from other Member States

Note: It is also envisaged in the context of the GPSD review (currently in technical drafting) that the legislation could require the publication by Member States of notices of all measures against dangerous products, whether they were notified in RAPEX or not. Such information would enable the Commission to monitor product safety enforcement beyond RAPEX notifications and reactions to them.

Objective 2: **Information and education - to improve consumers' education, information and awareness of their rights, to develop the evidence base for consumer policy and to provide support to consumer organisations**

Indicator	Source	Current situation	Target
Number of complaint bodies submitting complaints to the ECCRS	ECCRS (European Consumer Complaints Registration system)	na	60% of complaint bodies in 7 years
Trust in cross-border transactions - % of consumers who are equally confident or more confident in making an internet purchase from sellers from another EU country	Consumer Eurobarometer	37% in 2010	50% in 7 years

Objective 3: Rights and redress - to consolidate consumer rights in particular through regulatory action and improving access to redress including alternative dispute resolution

Indicator	Source	Current situation	Target
% of cross-border cases referred to ADR by ECCs	Annual ECC report	9% in 2010	50% in 7 years
Number of cases dealt with by the ODR platform	Database ODR platform	17.500 (complaints received by ECCs related to e-commerce transactions) in 2010	38.500 (+120%) in 7 years

Objective 4: Enforcement - to support enforcement of consumer rights by strengthening cooperation between national enforcement bodies and by supporting consumers with advice

Indicator	Source	Current situation	Target
Level of information flow and cooperation within the CPC Network: - number of requests to exchange information between CPC authorities - number of requests for enforcement measures between CPC authorities - number of alerts within the CPC network	CPC Network Database (CPCS)	annualised averages of 2007-2010: - 129 - 142 - 63	- increase of 40% in 7 years - increase of 40% in 7 years - increase of 30% in 7 years
Number of contacts with consumers handled by the European Consumer Centres (ECC)	ECC report	71.000 in 2010	Increase of 50% in 7 years

ANNEX 1: TABLE OF ACRONYMS

ANEC	"The European consumer voice in standardisation". This organisation represents the European consumer interest in the creation of technical standards, especially those developed to support the implementation of European laws and public policies
ADR:	Alternative Dispute Resolution
BEUC	Bureau Européen des Unions de Consommateurs (European Consumers' Organisation). BEUC acts as an umbrella for national consumer organisation in Brussels. Its main task is to represent our members and defend the interests of all Europe's consumers
CPC Net:	Consumer Protection Cooperation Network, composed of Member States national enforcement authorities
CPN:	Consumer Policy Network - informal network of high-level officials from Member States national administrations in charge of consumer policy
DOLCETA	Development of On Line Consumer Education Tool for Adults - an online consumer information and education tool created in 2002, targeted at teachers in adult education as well as primary and secondary and the general public. A multi-lingual website, DOLCETA contains information such as consumer rights and product safety, as well as teaching resources (including lesson plans) in consumer education topics
ECC:	European Consumer Centres - the network of European Consumer Centres provides EU consumers with advice on their rights and helps them with disputes with traders in other Member States
ECCG:	European Consumer Consultative Group - composed of European and national consumer organisations. It is the Commission's main forum to consult consumer organisations
GPSD:	General Product Safety Directive
ODR:	On-line Dispute Resolution
RAPEX:	EU rapid alert system for all dangerous consumer products (with the exception of food, pharmaceutical and medical devices)
TRACE:	Training courses designed to help build the capacity of European consumer organisations, fully funded from the EU budget

ANNEX 2: TIMETABLE OF THE IMPACT ASSESSMENT

- 11 February: **first meeting** of the ISG on consumer policy/IASG
- March: report to EP and Council on the results of the mid-term evaluation of 2007-2013 Strategy and Programme
- 11-12 April: 2011 Consumer Summit (input from stakeholders on specific items)
- 3 May: **second meeting** of the ISG on consumer policy/IASG
- April/May/June: consultation of stakeholders, through the consumer networks: national authorities through CPN (Consumer Protection Network) and CPC (enforcement authorities); consumer organisations through ECCG (European Consumer Consultative Group).
- July: input from the results of the evaluation of consumer information, education and capacity building actions
- 13 July: **third meeting** of the ISG on consumer policy/IASG
- Before 3 August: transmission of the impact assessment report to the IA Board
- 7 September: IA Board meeting
- October: ISC on the new Consumer Programme
- November / December: adoption by the College of the new Programme as a package with other financial frameworks

ANNEX 3: OVERVIEW OF THE CURRENT 2007-2013 PROGRAMME

The Programme of Community Action in the field of consumer policy 2007-2013²⁴ has two operational objectives:

- Objective I - to ensure a high level of consumer protection, notably through improved evidence, better consultation and better representation of consumers' interests, and
- Objective II - to ensure the effective application of the rules, notably through enforcement cooperation, information, education and redress.

These objectives have been pursued through a combination of 11 actions. Concrete actions and budget allocations have been established in annual work plans, which are adopted by the Commission after consultation of a Member States committee.

In addition to priorities already addressed in earlier programmes, such as involvement of consumer organisations in policy making and better enforcement, the Programme 2007 to 2013 addresses the need to develop the evidence base, to integrate consumer policy more actively into other EU policies, and to reinforce the cooperation with Member States on market surveillance.

The total budget allocation for the 7 years period is set at 156.8 million euros: 136.6 million euros of operational budget and 20.2 million euros for technical and administrative assistance, including for the functioning of the Executive Agency). The yearly **average of the operational budget is 20 million €**

Grants and contracts under the Programme 2007 – 2013 have been implemented by the Commission and since 2008 by the Executive Agency for Health and Consumers²⁵ on a centralised basis. Grants were given to support

- joint actions by the Community and competent authorities from Member States and EFTA/EEA third countries for the support of the European Consumer Centres ("ECC-net), joint enforcement actions in the area of safety and of Consumer Protection Cooperation ("CPC"), and the exchange of enforcement officials (maximum level of co-financing: 50 %)
- the functioning of EU-level consumer organisations (maximum level of co-financing: 50%) and EU-level consumer organisations representing consumer interests in the development of standards for products and services at Community level (maximum level of co-financing: 95 %)

²⁴ OJ L 2006/404, page 39 – Decision No 1926/2006/EC of 18 December 2006

²⁵ Commission Decision 2008/544/EC of 20 June 2008 amending Decision 2004/858/EC in order to transform the "Executive Agency for the Public Health Programme" into the "Executive Agency for Health and Consumers" and to extend the Agency's implementation tasks to the management of the Consumer programme for 2007 – 2013

- the development of European Master Degree courses in consumer issues (maximum level of co-financing: 85 %), including scholarships for students and teachers

To simplify the management of grants, use was made of flat rates wherever possible (mainly to cover overheads, travel and subsistence allowances) and Partnership agreements for four years were established in 2010 with EU-level consumer organisations.

Summary of estimated operational budget 2011 per objective and action

OBJECTIVE I - To ensure a high level of consumer protection, notably through an improved evidence basis, better consultation and better representation of consumers' interests.	8 850 000
Action 1. Knowledge base economic interest	4 940 000
Action 2. Knowledge base safety	
Action 3. Support for scientific advice	330 000
Action 4. Preparation of legislation	230 000
Action 5. European consumer organisations	1 350 000
Action 6. Community consumer organisations for standardisation	1 300 000
Action 7. Capacity building for consumer organisations.	700 000
OBJECTIVE II - To ensure the effective application of consumer protection rules, in particular through enforcement cooperation, information, education and redress.	11 290 000
Action 8. Joint actions GPSD and CPC	2 555 000
Action 9. Transposition (notably UCP and CPC)	
Action 10. Information, advice and redress	5 705 000
Action 11. Consumer education	3 030 000
TOTAL	20 140 000

ANNEX 4: DATA FROM THE EVALUATION OF THE 2007-2013 STRATEGY AND PROGRAMME

Methodology and evaluation issues

Three main sources of data have been used in carrying out these evaluations:

- a literature review,
- collection of numerical data and
- consultations, including discussions with key stakeholders in the European Parliament, Commission services, EU organisations representing the different stakeholder interests, Member State authorities and national consumer organisations. This includes meetings as part of four country case studies.

The criteria used in the evaluations include effectiveness, relevance, efficiency/cost-effectiveness, sustainability, external and internal coherence, synergies, EU added value and overall impacts (expected and unexpected).

There are some intrinsic limitations to the evaluation, in particular the difficulty of isolating the effects of EU consumer policy from the general economic and social context since, for instance, consumer confidence is subject to the influence of many factors; the fact that impact of actions such as consumer empowerment are very long term; the numerous actors involved; and the fact that some actions are at an early stage of implementation.

Success in meeting the objectives:

- Stakeholders consider that the current Strategy has globally met its objectives: between 70 and 80% of national authorities and consumer organisations believe that the Strategy has made a moderately to very successful contribution towards its objectives²⁶, with the exception of redress and, to a lesser extent, of the objective of putting consumers at the heart of other EU policies and regulation (around 50%).
- The current Programme has been considered successful in meeting most of its objectives: For 8 out of 10 actions, around 70% of Member states were positive on the degree to which the Programme 2007-2013 has addressed the need of consumers (moderate to large success), with the exception of redress. Consumer organisations believe that the Programme has had a moderate to large success for 6 out of 10 actions, and a limited success for the 4 others.

Impact:

- 88% of national authorities and 82% of consumer organisations believe that the current Strategy has made a large or moderate contribution to EU consumer policy initiatives.

²⁶ Better monitoring of consumer markets and national consumer policies; Better consumer protection regulation; Better redress; Better informed and educated consumers; Putting consumers at the heart of other EU policies and regulation

- 86% of national authorities and 52% of consumer organisations believe that the current Programme has made a (medium to large) positive impact. This result is better than for the previous Programme (for which 70% of national authorities thought the impact was positive and 54% of consumer organisations thought the impact was low positive).

This conclusion is confirmed when evaluating the impact by actions, with the majority of Member States believing that the actions the Programme to date have had a large to moderate positive impact on consumer protection²⁷, with the exception of redress. The majority of consumer organisations also believe that the actions under the Programme have had a large positive impact on consumer protection²⁸.

Sustainability:

- 82% of national authorities and 70% of consumer organisations believe that the actions under the Programme will have a long term effect (up to 10 years) on consumer protection, safety, empowerment and education.

Complementarity to actions at national level:

- 9 national authorities out of 10 believe that the actions undertaken under the current Programme are complementary to their national consumer policy.
- The majority of national authorities (55%) believe that Member States are increasingly taking over or multiplying actions launched under the current Programme at national level (examples highlighted by respondents include: enforcement of consumer protection rules, actions relating to product safety, developing redress system, informing and educating consumers). However, almost half of consumer organisations do not share this view (some of them highlight the gap between EU and national consumer policy).

Addressing the new social and environmental challenges:

- According to national authorities and consumer organisations, the new environmental and social challenges (ageing population, climate change, limited natural resources and social exclusion) are only partly addressed by the current Strategy. Similarly, 50% of consumer organisations (and 32% of Member States authorities) think that the current Programme should address other or emerging needs.

Success in meeting the objectives:

- Stakeholders consider that the current Strategy has globally met its objectives: between 70 and 80% of national authorities and consumer organisations believe that the Strategy has made a moderately to very successful contribution towards its objectives²⁹, with the

²⁷ For 6 out of 10 actions, at least 40% thought that the actions had a large positive impact with around a further 30% indicating that the impact had been moderately positive

²⁸ For 6 actions out of 10, a majority of consumer organisations think that the positive impact has been large (20 to 30% moderately large).

²⁹ Better monitoring of consumer markets and national consumer policies; Better consumer protection regulation; Better redress; Better informed and educated consumers; Putting consumers at the heart of other EU policies and regulation

exception of redress and, to a lesser extent, of the objective of putting consumers at the heart of other EU policies and regulation (around 50%).

- The current Programme has been considered successful in meeting most of its objectives: For 8 out of 10 actions, around 70% of Member states were positive on the degree to which the Programme 2007-2013 has addressed the need of consumers (moderate to large success), with the exception of redress. Consumer organisations believe that the Programme has had a moderate to large success for 6 out of 10 actions, and a limited success for the 4 others.

Main results on the various components of the Strategy and Programme

i) Integration

- The work on integration of consumer interest into other EU policies is seen to have progressed under the current Strategy. Integration activities are considered as very positive, with a high added-value. These activities are supported by the evidence gathered through consumer market monitoring.
- Stakeholders have however pointed at some confusion about the role and responsibility of the respective commission services and EU networks in the field of consumer policy.

ii) Consumer market monitoring

Both national authorities and consumer organisations strongly believe that the current Strategy has been successful with regard to better monitoring of consumer markets (Scoreboards and related studies)³⁰. They also believe (national authorities to a larger degree than consumer organisations however) that the current Programme has, in this field, successfully addressed the needs³¹.

Both national authorities and consumer organisations believe that consumer market monitoring has a positive impact, with a substantial proportion believing that this impact is large. There is a slightly upward trend compared to the previous Programme³².

- Consumer market monitoring is an essential tool to support the integration of consumer interest into other EU policies.
- Behavioural economics will play a key role when dealing with increasingly important issues such as moving towards more sustainable patterns of consumption.

³⁰ Strategy 2007-2013: national authorities: around 90% moderately to very successful (around 35% very successful). Consumer organisations: around 80% moderately to very successful (around 35% very successful).

³¹ Programme 2007-2013: Addressing needs: national authorities: 75% moderate to large success (more than 25% large). Consumer organisations: 55% moderate to large success (20% large)

³² Evaluation of the impact of the current action under the current Programme (mid-term evaluation results): national authorities: 80% moderate to large impact (35% large). Consumer organisations: 70% moderate to large impact (more than 45% large). Programme 2004-2007: national authorities: 77% (46% large); Consumer organisations: 67% (24% large).

iii) *Safety*

Both national authorities and consumer organisations believe that the current Strategy has been successful with regard to enforcement, including safety (RAPEX)³³. They also believe (national authorities to a larger degree than consumer organisations) that the current Programme has, in this field, successfully addressed the needs³⁴.

An overwhelming majority of national authorities and consumer organisations believe that the activities relating to enforcement (including those related to safety) under the current Programme have an impact, with around half of them believing that the impact is large. This is in line with the results under the previous Programme³⁵.

Authorities involved in safety will have increasingly to deal with issues linked to the globalisation of the production chain and the safety of imports. The evaluation highlights the efforts made so far to work with third countries and stresses that this momentum should be kept.

The more specific public consultation on the revision of the General Product Safety Directive (GPSD) concluded that the joint surveillance actions financed under the Programme were very useful. Ways to improve cooperation would be to increase financial support to joint surveillance actions and exchange of officials and to establish a coordination body at EU level. A majority of economic operators consider that differences between Member States in enforcing product safety legislation are causing problems for businesses. Respondents are overwhelmingly of the opinion that more intensive information sharing and/or cooperation between Member States would enhance the safety of consumers throughout the EU.

iv) *Consumer rights and redress*

- Further strengthening the enforcement of consumer rights and redress should be given priority.

Network of European Consumer Centres (ECC-net):

- The evaluation concludes that there has been increasing support to consumers who seek advice on disputes cross-border through the ECCs. However, the evaluation concludes that their visibility should be improved.

CPC and "Sweeps"

- Stakeholders highlighted the positive impact of the Strategy and Programme on the strengthening of enforcement, in particular with regard to the EU-wide network of

³³ Strategy 2007-2013 – enforcement (including safety): national authorities: around 85% moderately to very successful (around 25% very successful). Consumer organisations: around 85% moderately to very successful (around 5% very successful)

³⁴ Programme 2007-2013 - Addressing needs: national authorities: 70% moderate to large success (more than 25% large). Consumer organisations: 50% moderate to large success (5% large)

³⁵ Impact (enforcement in general): national authorities: 80% moderate to large impact (55% large). Consumer organisation: 80% moderate to large impact (45 % large). Coherent with findings on previous Programme: around 80% of both national authorities and consumer organisations believed that impact of actions on safety was moderately to largely positive.

enforcement authorities (CPC) and the coordinated market surveillance and enforcement actions ("Sweeps") by the network.

Legislation

- The evaluation highlighted the positive impact of the harmonisation brought by the Unfair Commercial Practice Directive (UCP), Timeshare Directive, GPSD, Package Travel (proposal expected in the second half of this year). It also mentioned the concerns relating to the level of harmonisation in the current discussion on the Consumer Rights Directive.
- The issue of redress has been singled out (for sometimes diverging reasons among stakeholders) as the main area where not enough progress has been achieved by the Strategy and Programme.

v) Support to consumer organisations

Consumer organisations believe that the support provided under the current Programme has contributed to the integration of consumer interests into EU policy³⁶ and, to a lesser extent, to improving the awareness and understanding of the work by the Commission. A majority of consumer organisations also believe that the training for national consumer organisations organised under the TRACE programme has (partly to completely) covered their priority issues. More generally on capacity building for national and EU consumer organisations, while a majority of national authorities believe that the Programme has been successful in meeting this need, a majority of consumer organisations believe that it has only had a limited success³⁷.

Both national authorities and consumer organisations believe that support to consumer organisations under the current Programme has a positive impact. This is in line with the results under the previous Programme³⁸.

The evaluation concludes that the role of EU-level consumer organisations (BEUC - Bureau Européen des Consommateurs and ANEC - European Consumer Voice in Standardisation), financially supported through the Programme, is essential for consolidating national consumer organisations input into EU policy making.

vi) Consumer information and education

The views of national authorities and consumer organisations diverge with regard to consumer education actions under the Programme: while a majority of national authorities

³⁶ Consumer organisations believe that support from Commission has contributed to the integration of consumer interest into EU policy (70% moderately to significantly, 35% significantly).

³⁷ Addressing needs: Capacity building for consumer organisations at EU and national level: national authorities: around 60% moderate to large success. Consumer organisations: 35% moderate to large success (20% large)

³⁸ Programme 2007-2013: Impact: national authorities: 60% moderate to large impact (20% large). Consumer organisations: 75% moderate to large impact (60% large). Previous programme: Member States: 58% on capacity-building; 65% on support to EU level organisations; consumer organisations: 85% on capacity-building; 90% on support to EU level organisations.

believe these actions have been successful in meeting stakeholders' need, a majority of consumer organisations believe they only achieved limited success in meeting the needs³⁹.

Both national authorities and consumer organisations believe that consumer education actions under the current Programme have a positive impact. There is an upward trend compared to the previous Programme⁴⁰.

Both national authorities and consumer organisations believe that consumer information actions under the current Programme have a positive impact⁴¹.

- While the evaluation stresses the importance of consumer education, it points at the need to rationalise resources and consolidate some of the current tools. It highlights the need to better define the target audience of Dolceta. The evaluation suggests finding synergies between Dolceta and national curricula.
- The country studies highlighted the importance of consumer education.

³⁹ Programme 2007-2013 - Consumer education: Addressing needs: national authorities: around 65% moderate to large success (more than 35% large). Consumer organisations: 30% moderate to large success (10% large). N.B.: consumer organisations are not the target group for these actions. The actions supplement and support those of the authorities.

⁴⁰ Programme 2007-2013 - Impact education: national authorities: 73% moderate to large impact (41% large). Consumer organisation: 65% moderate to large impact (25% large). Previous programme: National authorities: 69%; consumer organisations: 40%.

⁴¹ Impact: national authorities: 83% moderate to large impact (46% large). Consumer organisations: 79% moderate to large impact (37% large).