

Consumer protection: cross-border infringements, administrative and legal cooperation (Regulation on consumer protection cooperation)

2003/0162(COD) - 17/03/2004

The committee adopted the report by Evelyne GEBHARDT (PSE, D) amending the report under the 1st reading of the codecision procedure: - the competent authorities and single liaison officer to be designated by each Member State should be responsible for "coordination and cooperation between the competent authorities", rather than for the application of the regulation as stated in the proposal. MEPs added that each Member State should also designate the courts competent to rule on proceedings and the bodies "having a legitimate interest in the cessation of intra-Community infringements". These authorities should have the necessary investigation and enforcement powers in accordance with national law and exercise these powers "only where there is a reasonable suspicion that an infringement has taken place"; - in order to achieve enhanced cooperation between Member States in the field of consumer protection, the committee said that some or all of the Member States may, in cooperation with the Commission, carry out "common activities" with regard to the training of consumer protection enforcement officials, market surveillance, the development of information and communication tools, consumer information and advice, supporting bodies involved in the extra-judicial settlement of consumer disputes, etc. Member States should also develop a common framework for the classification of consumer complaints and for compiling statistics and research results on consumer behaviour, attitudes and outcomes; - MEPs deleted the proposed article providing for a Standing Committee on Consumer Protection Cooperation, arguing that the authorities and organisations in the Member States could work together across borders without such a committee; - MEPs amended the provisions under which the Commission would maintain an electronic database storing and processing the information it had received regarding an intra-Community infringement. They stressed that the proposal must comply with data protection requirements and therefore specified that the database should be accessible only to the competent authorities. Should an infringement subsequently prove to be unfounded, the Commission must remove the information without delay from the database. When the Commission is informed that an infringement has ceased, the relevant data shall be deleted after five years. The committee also inserted further data protection safeguards at other points in the proposal; - MEPs said that, as well as ensuring better protection of personal data, the proposal should also guarantee professional and commercial secrecy. They inserted a safeguard clause to protect businesses from the disclosure of commercially sensitive information by the competent authorities. However, although information exchanged as part of mutual assistance arrangements should generally be confidential, MEPs said that such information could be disclosed where necessary "in order to bring about the cessation or prohibition of an intra-Community infringement" and it could also be disclosed to the seller or supplier to whom it relates; - lastly, the committee called for a two-year transitional period for the provisions on mutual assistance, arguing that some Member States still had no authorities for enforcing consumer protection rules and therefore needed time to set them up or entrust existing authorities with the new tasks.