

# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	2005/0042B(COD) Procedure completed
Consumer policy: Community action programme 2007-2013 Repealed by <a href="#">2011/0340(COD)</a>	
Subject 4.60 Consumers' protection in general 4.60.06 Consumers' economic and legal interests	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>IMCO</b> Internal Market and Consumer Protection		04/07/2005
		PPE-DE <a href="#">THYSSEN Marianne</a>	
	Former committee responsible		
	<b>IMCO</b> Internal Market and Consumer Protection		04/07/2005
		PPE-DE <a href="#">THYSSEN Marianne</a>	
	Former committee for opinion		
<b>BUDG</b> Budgets		15/11/2005	
	PSE <a href="#">DOUAY Brigitte</a>		
<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.		
<b>JURI</b> Legal Affairs		15/09/2005	
	PSE <a href="#">SAKALAS Aloyzas</a>		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Education, Youth, Culture and Sport</a>	<a href="#">2762</a>	13/11/2006
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2751</a>	25/09/2006
	<a href="#">Employment, Social Policy, Health and Consumer Affairs</a>	<a href="#">2733</a>	01/06/2006
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2731</a>	29/05/2006
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2694</a>	28/11/2005
European Commission	Commission DG	Commissioner	
	<a href="#">Health and Food Safety</a>	KYPRIANOU Markos	

Key events			

06/04/2005	Initial legislative proposal published	<a href="#">COM(2005)0115</a>	Summary
07/07/2005	Committee referral announced in Parliament, 1st reading		
28/11/2005	Debate in Council	<a href="#">2694</a>	Summary
21/02/2006	Vote in committee, 1st reading		Summary
23/02/2006	Committee report tabled for plenary, 1st reading	<a href="#">A6-0032/2006</a>	
16/03/2006	Debate in Parliament		
23/03/2006	Results of vote in Parliament		
23/03/2006	Decision by Parliament, 1st reading	<a href="#">T6-0107/2006</a>	Summary
24/05/2006	Legislative proposal published	<a href="#">COM(2006)0235</a>	Summary
29/05/2006	Debate in Council	<a href="#">2731</a>	
01/06/2006	Debate in Council	<a href="#">2733</a>	
14/11/2006	Council position published	<a href="#">13241/1/2006</a>	Summary
16/11/2006	Committee referral announced in Parliament, 2nd reading		
22/11/2006	Vote in committee, 2nd reading		Summary
23/11/2006	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A6-0408/2006</a>	
12/12/2006	Decision by Parliament, 2nd reading	<a href="#">T6-0534/2006</a>	Summary
18/12/2006	Final act signed		
18/12/2006	End of procedure in Parliament		
30/12/2006	Final act published in Official Journal		

### Technical information

Procedure reference	2005/0042B(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	Repealed by <a href="#">2011/0340(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 153
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/6/37796

### Documentation gateway

Initial legislative proposal		<a href="#">COM(2005)0115</a>	06/04/2005	EC	Summary
Amendments tabled in committee		<a href="#">PE367.690</a>	15/12/2005	EP	
Committee opinion	<b>BUDG</b>	<a href="#">PE367.751</a>	26/01/2006	EP	

Committee opinion	<b>JURI</b>	<a href="#">PE367.808</a>	01/02/2006	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0230/2006</a>	14/02/2006	ESC	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0032/2006</a>	23/02/2006	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0107/2006</a>	23/03/2006	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2006)1725</a>	19/04/2006	EC	
Legislative proposal		<a href="#">COM(2006)0235</a>	24/05/2006	EC	Summary
Document attached to the procedure		<a href="#">COM(2006)0239</a>	24/05/2006	EC	Summary
Council statement on its position		<a href="#">14678/2006</a>	06/11/2006	CSL	
Council position		<a href="#">13241/1/2006</a> OJ C 301 12.12.2006, p. 0103-0112 E	14/11/2006	CSL	Summary
Commission communication on Council's position		<a href="#">COM(2006)0700</a>	14/11/2006	EC	Summary
Committee draft report		<a href="#">PE380.711</a>	16/11/2006	EP	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A6-0408/2006</a>	23/11/2006	EP	
Text adopted by Parliament, 2nd reading		<a href="#">T6-0534/2006</a>	12/12/2006	EP	Summary
Draft final act		<a href="#">03680/2006</a>	18/12/2006	CSL	
Follow-up document		SEC(2011)0414	25/03/2011	EC	Summary

#### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

#### Final act

<a href="#">Decision 2006/1926</a> <a href="#">OJ L 404 30.12.2006, p. 0039</a> Summary
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## Consumer policy: Community action programme 2007-2013

**PURPOSE** : proposal to establish a Programme of Community action in the field of Health and Consumer protection 2007-2013 to improve EU citizens' quality of life in terms of their health and their consumer interests.

**PROPOSED ACT** : Decision of the European Parliament and of the Council.

**CONTENT** : the proposal and the Commission's Communication bring together Public Health and Consumer protection policies and programmes under one framework. This is due to the fact that many objectives of health and consumer actions under Treaty articles 152 and 153 are shared: promoting health protection, information and education, safety and integration of health and consumer concerns into all policies. Health and consumer policies also use many similar types of actions to pursue their objectives e.g. information to citizens, consultation of stakeholders, mainstreaming activities, risk assessment. Bringing the two areas together will thus lead to greater policy coherence, economies of scale and increased visibility.

The EU, national and regional authorities, citizens, businesses and civil society have a role to play in improving the health, wellbeing and welfare of European citizens. There are, however, several shared health and consumer policy challenges that only action at EU level can

tackle. Greater mobility and more communication have benefited citizens. But they have also increased the risk of spreading health threats such as SARS and other communicable diseases (which cannot be addressed by individual Member States alone) and scams e.g. from bogus lotteries. The complexity of modern life has brought more choice for citizens. But it has also made it harder for them to make the best choices.

The proposed strategy and programme aim to implement articles 152 and 153 of the Treaty as regards Community action on health and consumer protection, by complementing national action with value-added measures which cannot be taken at national level. Bringing health and consumer protection under a common framework will lead to important synergies in terms of objectives and actions, and enhance policy coherence. Merging the two programmes will also streamline administrative procedures (with a common set of tools and a unified budget) and increase visibility of policy actions vis-à-vis European citizens and within the EU institutions.

EU Health and Consumer policies have three core joint objectives:

- Protect citizens from risks and threats which are beyond the control of individuals and that cannot be effectively and completely tackled by individual Member States alone.
- Increase the ability of citizens to take better decisions about their health and consumer interests. This means increasing the opportunities they have to exercise real choice and also equipping them with the knowledge they need.
- Mainstream health and consumer policy objectives across all Community policies in order to put health and consumer issues at the centre of policy-making. The EU Treaty recognises this by requiring that all policies take health and consumer interests into account.

With regard to health, the Programme reinforces the three strands of the Public Health Programme (information, threats and determinants), and creates three new ones: response to threats, disease prevention and co-operation between health systems. Annex II to the proposal provides an exhaustive list of actions planned under each strand.

With regard to consumer protection, the proposal foresees that a European Consumer Institute created within the single executive agency of the programme will be the cornerstone for implementing the actions. Implementing the programme and managing the additional resources means efficient and structured organisation. The proposal discusses the extension of the Health Executive Agency to include a consumer department as the most cost effective way of proceeding.

Four strands of actions are foreseen:

- Better understanding of consumers and markets. This includes developing and updating its scientific knowledge base and assessment tools on consumer exposure to chemicals, including with respect to general product safety, and to contribute to the application of REACH.
- Better consumer protection regulation;
- Better enforcement, monitoring and redress;
- Better informed and educated consumers.

Actions will contribute to ensure an equally high level of protection for all EU consumers, wherever they live, travel to or buy from in the EU, from risks and threats to their interests. Action covers the safety of goods and services; the fairness of commercial practices and contractual rights for consumers; affordable access to essential services, protection from rogue traders and access to effective means of redress. Actions will also contribute to increase the capacity of consumers to promote their own interests, as individuals or through consumer organisations, i.e., helping consumers help themselves. This includes the provision of information to consumers about their rights, means of redress but also products and the opportunities of the internal market.

For further information concerning the financial implications of this measure, please refer to the financial statement.

## Consumer policy: Community action programme 2007-2013

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The Council took note of a progress report on a proposal aimed at establishing a programme of Community action in the field of health and consumer protection for 2007-2013. The Council decided to come back to this issue at a future meeting.

The adoption of the programme is conditional on the budgetary amount that will be decided for the 2007-2013 period in the framework of the financial perspectives, and on the outcome of discussions in the European Parliament.

## Consumer policy: Community action programme 2007-2013

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The committee adopted the report by Marianne THYSSEN (EPP-ED, BE) amending the proposal under the 1st reading of the codecision procedure. The original proposal as submitted by the Commission consisted of a single action programme for health and consumer protection. However, on 30 June 2005 the EP Conference of Presidents decided that the proposal should be split into two parts (i.e. two separate programmes) and allocated to two different committees on the grounds that the two areas come under different legal bases (Articles 152 and 153 of the EC Treaty) in which the EU has different powers. The Internal Market Committee was therefore made responsible for drawing up a report on the action programme for consumer protection, and the Environment Committee was given responsibility for a report on the health action programme (see factfile COD/2005/0042A).

The main amendments were as follows:

- the committee fleshed out the objectives of the consumer protection action programme, which should include paying special attention to "the different needs of various age groups", ensuring that consumer protection regulation involved greater participation of consumer representatives, other civil society stakeholders and research bodies, ensuring that such regulation could be complied with by small businesses and craft industries, and providing for both judicial and extra-judicial means of redress;

- as far as the budget for the programme was concerned, MEPs applied the distribution formula used by the Commission for the consumer protection aspects of the original integrated programme, totalling EUR 233.346 million;
- the ceilings for Community financing for "actions in pursuit of the aims and objectives" of the programme should be decreased from 60% to 50%. However, MEPs introduced a new clause providing for a ceiling of 95% for "the functioning of European consumer organisations representing consumer interests in the development of standards for products and services at Community level". They also adopted an amendment defining the eligibility criteria for bodies and legal persons seeking to qualify for Community financing;
- lastly, the committee expanded the list of actions eligible for Community support, so as to include: setting up a permanent consumer information and observation system at EU level; establishing an inventory of existing legislation, regulations and practices in the Member States; strengthening assistance to consumer organisations in the new Member States which have a less longstanding tradition of consumer protection; establishing a general institutional and legal framework for cooperation between Member States; improving communication with EU citizens on consumer issues; ensuring that specific actions are targeted at older consumers and vulnerable groups of consumers; and helping consumers to obtain access to legal aid and advice, mediation and other forms of alternative dispute resolution, including the Commission's SOLVIT system.

## Consumer policy: Community action programme 2007-2013

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The European Parliament adopted a resolution drafted by Marianne THYSSEN (EPP-ED, BE) and amended the Commission's proposal. It should be recalled that the Commission had originally suggested a single action programme for health and consumer protection in hopes of achieving more synergies between the two areas. However, following the decision of the Parliament's Conference of Presidents, the integrated programme was separated into two parts in June 2005.

The principal amendments were as follows:

- a new recital states that implementation of the programme should take into account that the internal market will not function properly if consumers are less well protected in some Member States than in others. The programme should therefore put a special focus on strengthening consumer protection and consumer awareness in the new Member States in line with the European Parliament's resolution of 15 December 2005 on the promotion and protection of consumers' interests in the new Member States;
- if the Commission takes a decision to delegate powers in respect of the logistical and administrative aspects of the implementation of the programme, it should do so after a cost-benefit analysis which produces positive results and it should investigate whether it is not preferable to extend the powers of the 'Executive Agency for the Public Health Programme' rather than set up an additional executive agency. Parliament added a new operative clause stating that the overall administrative expenditure of the programme, including internal and management expenditure for any Executive Agency created or extended to administer the programme, should be proportionate to the tasks provided for under the programme and is subject to decision of the budgetary and legislative authorities;
- the aim of the programme is to complement and support the policies of the Member States by means of added value actions;?
- the objectives of the consumer protection action programme include paying special attention to "the different needs of various age groups", ensuring that consumer protection regulation involved greater participation of consumer representatives, other civil society stakeholders and research bodies, ensuring that such regulation could be complied with by small businesses and craft industries, and providing for both judicial and extra-judicial means of redress;
- the indicative financial framework for the implementation of the programme for the 7-year period beginning on 1 January 2007 specified in Article 1 is EUR 233 460 000;
- the ceilings for Community financing for "actions in pursuit of the aims and objectives" of the programme should be decreased from 60% to 50%. However, Parliament introduced a new clause providing for a ceiling of 95% for "the functioning of European consumer organisations representing consumer interests in the development of standards for products and services at Community level". It also adopted an amendment defining the eligibility criteria for bodies and legal persons seeking to qualify for Community financing;
- Parliament added to the list of actions eligible for Community support, putting particular emphasis on strengthening consumer rights and awareness in the new member states, arguing the Internal Market could not function properly with some consumers having less protection than others. Another point was the need to support older consumers and other vulnerable groups that could have difficulties defending their interests. Parliament also passed an amendment on the impact of consumer legislation on small businesses, which stresses the importance of supporting SMEs and craft industries in their efforts to implement EU legislation. Systematic impact studies should be carried out before adopting new legislation that could affect small businesses. Other actions include: setting up a permanent consumer information and observation system at EU level; establishing an inventory of existing legislation, regulations and practices in the Member States; establishing a general institutional and legal framework for cooperation between Member States; improving communication with EU citizens on consumer issues; and helping consumers to obtain access to legal aid and advice, mediation and other forms of alternative dispute resolution, including the Commission's SOLVIT system.

## Consumer policy: Community action programme 2007-2013

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**PURPOSE :** to establish a programme of Community action in the field of consumer protection policy (2007-2013) following the agreement of 17 May 2006 on the Financial Framework 2007-2013.

**PROPOSED ACT :** Decision of the European Parliament and of the Council.

**CONTEXT :** on 6 April 2005, the Commission proposed a wide-ranging and ambitious health and consumer protection programme 2007-2013 based on the assumption of a EUR 1 203 million budget (out of which EUR 234 million was for the consumer protection policy).

On 16 March 2006, the European Parliament adopted a resolution calling for indicative financial framework for the implementation of the consumer programme to be set at EUR 233 460 million.

The new consumer proposal, in line with the outcome of the Financial Perspectives negotiations, is for EUR 156.8 million (current prices), including the consumer contribution towards the running of the executive agency.

In order to take into account the substantial shortfall in the programme budget, as well as the formal views expressed by the European Parliament, the Commission has decided to introduce substantial modifications to its original proposal and to submit two separate proposals for a public health programme and a consumer policy programme. These are tailored to the reduced budget.

CONTENT : this proposal establishes a programme of Community action in the field of consumer protection. References to public health and a joint approach between public health and consumer protection policies have been removed accordingly. However, important elements of the common approach, such as improved communication with citizens, integration of consumer concerns into other policies, and international cooperation have been incorporated in the new proposal. The extension of the mandate of the Public Health Executive Agency to consumer policy is also maintained.

The consumer objectives have been defined more tightly around two new objectives:

1) To ensure a high level of consumer protection, notably through improved evidence, better consultation and better representation of consumers' interests.

2) To ensure the effective application of consumer protection rules notably through enforcement cooperation, information, education and redress.

The number of consumer actions has been reduced from 20 to 11. The main changes can be summarised as follows:

- several actions -e.g. on data collection and assessment, effective application, monitoring of transposition and implementation, information and redress, and education have been merged for the sake of coherence and to reflect the more limited possibilities.

- actions on specific projects in favour of consumer organisations have been deleted, but capacity building to consumer organisations through training has been reinforced.

- there is no longer a reference to representation of consumer interests in international standardisation bodies. This will still be supported through the work programme of European standardisation organisations. Actions for enforcement cooperation with third countries are also foreseen.

- some of the common health and consumer actions provided for in the original proposal, e.g. on information, have been taken up in the consumer programme.

This programme provides for a list of actions from which specific actions will be selected annually in the work programme.

Provisions on Community financial contributions, notably ceilings and beneficiaries, have been reformulated in line with the European Parliament's opinion and the existing consumer programme (Decision 20/2004/EC) and take into account the changes in some of the actions (deletion of specific projects and addition of new actions).

As is the case at present, the measures necessary for the implementation of the following measures shall be adopted in accordance with the advisory procedure: annual work programme and, arrangements for implementing joint actions with Member States, and expenditure for the functioning of European consumer organisations and European standardisation organisations.

Particular attention is given to Member States which have acceded on 1st May 2004, as well as to future Member States, in order to better take into account their shorter tradition of consumer policy. A specific reference to actions benefiting consumers of these countries has been added (concept of exceptional utility), in line with the wishes of the European Parliament.

For further information concerning the financial implications of this measure, please refer to the financial statement.

## Consumer policy: Community action programme 2007-2013

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The Council reached by unanimity a political agreement on the draft Decision establishing a programme of Community action in the field of consumer policy (2007-2013). It was largely based on the Commission's modified proposal issued on 24 May 2006. This modified proposal took into account the substantial shortfall in the programme budget resulting from the inter-institutional agreement on the financial perspectives; as well as the formal views expressed by the European Parliament in first reading. It introduced substantial modifications to the original proposal and split it between a public health programme and a consumer policy programme.

During the discussion on the modified proposal some members of the Council had reservations on specific projects, on the establishment of a European Master programme and scholarship grants; and the European Parliament also had reservations on the European Master programme as well as on decentralised actions and vulnerable consumers.

All the Member State reservations were finally lifted with a view to reach an agreement given the need for an early adoption of the programme. The common position consequently reflects the results of these inter-institutional contacts and is supported by the Commission.

In general, the Council has followed the European Parliament's first reading Opinion that was incorporated to a large extent in the Commission's amended proposal. In particular, the Council agreed to the split of the Commission's original proposal into two separate programmes (one in the field of health (COD/2005/0042A) and one in the field of consumer protection).

The Council also accepted the budget for the Programme proposed by the Commission which is set at EUR 138.8 million in 2004 prices (i.e. EUR 156.8 million in current prices).

The Council introduced in the common position 18 amendments related to the split of the Commission's original proposal into two separate programmes.

## Consumer policy: Community action programme 2007-2013

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The Commission considers that the common position adopted by unanimity is in line with the essential objectives and underlying approach of its modified proposal. It notes that the Chair of the European Parliament's Internal Market and Consumer Protection committee confirmed that, should the Council reach a political agreement on the basis of the Presidency compromise text, he would recommend the committee to adopt the common position without amendments. The Commission can therefore support the common position which reflects the agreement reached between the three institutions.

## Consumer policy: Community action programme 2007-2013

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The committee adopted the report by Marianne THYSSEN (EPP-ED, BE) approving unamended - under the 2nd reading of the codecision procedure - the Council's common position on the 2007-2013 Community action programme in the field of consumer policy.

## Consumer policy: Community action programme 2007-2013

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The European Parliament adopted a resolution drafted by Marianne THYSSEN (EPP-ED, BE) approving the Council's common position on the 2007-2013 Community action programme in the field of consumer policy.

## Consumer policy: Community action programme 2007-2013

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**PURPOSE:** the establishment of a Community programme in the field of Consumer Policy (2007-2013).

**LEGISLATIVE ACT:** Decision 1926/2006/EC of the European Parliament and of the Council establishing a programme of Community action in the field of consumer policy (2007-2013).

**CONTENT:** the purpose of the programme is to two fold:

- firstly, to complement, support and monitor the policies of the Member States; and
- secondly, to contribute to protecting the health, safety and economic and legal interests of consumers, as well as to promote their rights to information, to education and to organise themselves in order to safeguard their interests.

The programme will run from 31 December 2006 to 31 December 2013 with a total financial envelope of EUR 156 800 000.

It consists of eleven actions, which are listed in Annex I to this Regulation. They are as follows:

Action 1: The collection, exchange and analysis of data and information that provide an evidence base for the development of consumer policy and for the integration of consumer interests in other Community policies.

Action 2: The collection, exchange, analysis of data and information and development of assessment tools that provide an evidence base on the safety of consumer goods and services, including consumer exposure to chemicals released from products risks and injuries in relation to specific consumer products and services and technical analysis of alert notifications.

Action 3: Support for scientific advice and risk evaluation, including the tasks of the independent scientific committees established by Commission Decision 2004/210/EC setting up Scientific Committees in the field of consumer safety, public health and the environment.

Action 4: preparation of legislative and other regulatory initiative and the promotion of co-regulatory and self-regulatory initiatives.

Action 5: Financial contributions to European consumer organisations.

Action 6: Financial contributions European consumer organisations representing consumer interests in the development of standards for products and services at Community level.

Action 7: Capacity building for regional, national and European consumer organisations, notably through training and exchange of best practice and expertise for staff members, in particular, for consumer organisations in Member States which acceded in May 2004.

Action 8: Actions to improve the effective application of Community consumer protection legislation.

Action 9: Legal and technical expertise, including studies.

Action 10: Actions on information, advice and redress.

Action 11: Actions on consumer education including targeting young and old consumers and financial contributions to the development of an integrated European Masters Degree on consumer issues.

**ENTRY INTO FORCE:** 31 December 2006.