



AN EU THAT KEEPS WORKING FOR CONSUMERS

BEUC proposals for the 2019-2024
European Commission

WHAT IS THIS DOCUMENT ABOUT?

This document contains our five key priorities, as well as a set of further important recommendations, that need to be addressed by the Commission during its 2019-2024 mandate in order for tangible benefits to continue to be delivered to EU consumers. These recommendations not only respond to new developments but also relate to legislation that is already in the pipeline. In annex, we list the indicators to demonstrate progress towards the achievements of the consumer policy objectives that we set for the next Commission's agenda.

A European Commission with a strong and tangible agenda for consumers

The EU has delivered strong consumer protection rules for decades.¹ However, it has not been able to sufficiently communicate the benefits of this robust framework to citizens. EU consumer rules protect people in their daily lives, in terms of their health and safety and also their legal and economic interests.

In the last years, trust in the EU has been profoundly disrupted. It is key that this trust be restored so that people continue to believe in the European construct. An ambitious consumer policy is part of this investment. In this context, it is critical that the Commission prioritises actions that demonstrate clearly to consumers that being part of the EU is fundamental to supporting their well-being.

Consumer policy as an illustration of EU added value

Consumer policy bears many dimensions. In this document, our proposals concentrate on possible EU initiatives that demonstrate the added value of the EU. They often focus on the Single Market, where the most appropriate intervention is taken at EU level. But they also go further, in order to ensure that fundamental rights such as privacy and self-determination are protected or that people's health and well-being are put centre stage. Our proposals also relate to global challenges: when acting as a block rather than as an individual country is the only way to remain relevant as an economic player.

Consumer policy as a tool for sustainable development

Recent developments indicate increasing public awareness that 'There is No Planet B' and that all policies should contribute to mitigating climate change and decreasing environmental damage. More fundamentally, a smart consumer policy can be a key driver for sustainable development and can enable consumers to play an important part in achieving the Sustainable Development Goals (SDGs). Well-designed policies can promote both consumer interests and sustainable development. On the other hand, ill-defined sustainable development strategies bear the risk of penalising consumers, particularly the more vulnerable ones. Therefore, a strong integration of sustainability checks within different EU consumer policy initiatives should be carried out as a *fil rouge* within the policy-making process.

BEUC's proposals are strongly linked to the SDGs. The chart below summarises the connections.

A consumer-centric innovation agenda

Innovation is a major focus of the current Commission, and is also expected to be high on the agenda of the next Commission. Innovation can deliver major benefits to society at large, and to consumers in particular. But innovation can also be detrimental, and it should not be promoted nor supported financially just for the sake of it. Innovation policy, in particular when it comes to funding research, needs to include a strong element of societal impact assessment that puts people at the centre of the strategy. Only such an approach will deliver genuine added value to the EU innovation agenda.

¹ <https://www.beuc.eu/publications/beuc-x-2018-106-what-the-eu-has-done-for-consumers.pdf>

BEUC priorities match Sustainable Development Goals



End hunger, achieve food security and improved nutrition and promote sustainable agriculture

- Improving food labelling rules and ensure their effective enforcement
- Ensuring a high level of food safety



Ensure healthy lives and promote well-being for all at all ages

- Consumers should not be exposed to harmful chemicals
- Food labels should make the health option the easy option
- Medicines should be accessible and affordable
- Improving food labelling rules and ensuring their effective enforcement
- Promoting consumer trust in the safety of medical devices
- Making digital healthcare benefit consumers
- Guaranteeing the safety and security of consumer goods and services



Ensure access to affordable, reliable, sustainable and modern energy for all

- Smart energy services and technologies that deliver to consumers
- Making the energy transition affordable for consumers
- Securing heating and cooling markets that deliver to consumers
- Providing for consumer-friendly transition in gas markets



Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

- AI must serve, not harm consumers
- A strong European competition policy
- Ensuring an open internet
- Ensuring access to and acceptance of cash
- Delivering benefits and protect consumers in global markets
- Preventing and providing solutions for over-indebtedness
- Protecting consumers' autonomy and self-determination in the digital age
- A new culture of enforcement co-operation between different sector authorities at national and EU-level
- Making redress work smoothly for consumers
- Making every right enforceable
- Inclusive, fair and privacy-friendly insurance models
- Better regulation
- A research, innovation and investment agenda that promotes socially valuable innovation
- A strong and sustainable consumer movement in the EU



The EU has made a strong commitment to contribute to the accomplishment of the UN Sustainable Development Goals (SDG). Consumer policy can be an important driver to achieve this contribution. Several of BEUC's proposals for the next strategic agenda bear strong links with the SDGs.



Make cities and human settlements inclusive, safe, resilient and sustainable

- Making the energy transition affordable for consumers
- Making the transition towards sustainable mobility
- Effective protection for passengers in all modes of transport



Ensure sustainable consumption and production patterns

- Making a consumer-friendly transition to a resource-efficient and safe circular economy
- Consumer products should last longer



Take urgent action to combat climate change and its impacts

- Making a consumer-friendly transition to a resource-efficient and safe circular economy
- Making the transition towards sustainable mobility



Conserve and sustainably use the oceans, seas and marine resources for sustainable development

- Making a consumer-friendly transition to a resource-efficient and safe circular economy



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BEUC'S FIVE TOP PRIORITIES

BEUC'S *FIVE* TOP PRIORITIES²

1. ARTIFICIAL INTELLIGENCE (AI) AND NEW TECHNOLOGIES MUST SERVE, NOT HARM CONSUMERS
2. CONSUMER PRODUCTS SHOULD LAST LONGER
3. CONSUMERS SHOULD NOT BE EXPOSED TO HARMFUL CHEMICALS
4. FOOD LABELS SHOULD MAKE THE HEALTHY OPTION THE EASY OPTION
5. MEDICINES SHOULD BE ACCESSIBLE AND AFFORDABLE

1. *Artificial intelligence (AI) and new technologies must serve, not harm consumers*

Why it matters for consumers

New technologies bring new societal challenges. AI-powered products and services or complex Internet of Things (IoT) devices will deeply change both consumer markets and our societies. Their uptake comes with the promise of increasing convenience and efficiency for consumers. The benefits that AI can bring to society, for example in areas such as scientific research and medical diagnosis, are often still inconceivable today. However, huge challenges will also arise, and ambitious solutions to ensure that new technology products do not harm citizens will be required.

The current shortcomings

Thanks to its ability to analyse vast amounts of data, businesses can use AI-powered technology to tailor offers for specific groups of consumers or to even provide personalised offers. One potential risk of AI is therefore unfair discrimination among different groups of people, for instance on the basis of economic criteria or a person's health condition. Companies could decide to offer an innovative product to the most affluent people first, and to withhold offers or charge higher prices to those who are perceived as less attractive consumers. More generally, automated decision making will alter the relationship between consumer and trader; the transparency and comparability of prices may disappear in a market run by algorithms. This lack of algorithmic transparency and accountability and an increased imbalance of power to the detriment of the consumer are all reasons for concern in the context of AI technology. Overall, the current EU legislative framework cannot sufficiently deal with these issues.

Furthermore, among the biggest challenges of AI and automated decision making (ADM) is the question of how to address safety risks and who can be held liable in case of consumer harm. In short, not only the protection of individuals and their property is at stake, but also society's collective interest to live in a fair and safe environment. It is also important to note that current EU rules on consumer law, safety and liability are not fit to deal with products with functions based on AI-powered automated decision making.

In general, emerging new technologies come with specific characteristics and specific consumer risks, such as lack of cybersecurity and risk of data loss. It is currently not clear whether or not consumers are protected if such products cause them harm. For example, rules on product liability are meant to deal

² Our top five priorities are listed in alphabetical order.

with harm that results from defective tangible goods rather than intangible products. Also, the increasing complexity of products, such as those using IoT technology, make it difficult for injured individuals to demonstrate why something went wrong.

What are we asking of the EU?

EU legislators must avoid the risks associated with AI products and other new technologies. In case of harm, consumers should have a right to compensation and authorities should be able to take dangerous products off the market. The following elements are essential for creating a modern and consumer-friendly regime:

- New rules to ensure the protection of consumers, such as updated regulations on safety and liability and regulations that address the responsibility of service providers.
- Risks associated with new technologies, such as a lack of cybersecurity, must be avoided to the maximum extent possible. If such risks materialise, consumers should have a right to compensation.
- As regards AI technology, it must be ensured that consumers can rely on a set of protective principles. Among others, these principles must include the following:
 - AI-powered products must be legally compliant by default and by design, hence respecting EU rules on safety, consumer law and data protection.
 - Mechanisms that ensure algorithmic control and independent oversight must be in place.
 - Consumers have a right to fairness; for example, they should never be deceived by algorithms or about the nature of ADM-powered products. They should also have a right to transparency as regards the logic of algorithms.
 - Discrimination must be avoided. This includes both price discrimination and other traditional and non-traditional forms of discrimination, such as religious belief or country of origin. Consumers should have a general right to object to automated decision making, as well as a right to ask for human intervention to express their points of view, to obtain a clear explanation of a decision, and to challenge that decision.

What tools should the EU use?

EU rules, particularly legislation on consumer protection, discrimination, safety and liability, should be updated to make sure that existing rights are fit for purpose. New legal protections should be established where necessary to deal with the risks created by new technological developments. Ethical guidance can only be complementary to law and should never replace it. Only legal rules are binding for businesses and can be enforced where necessary.

2. Consumer products should last longer

Why it matters for consumers

Printers or smartphones that can no longer be fixed shortly after the guarantee expires, electric toothbrushes that break too quickly, unavailable spare parts for coffee machines, non-existent software updates for internet-connected products, and so forth. Many consumers are forced to deal with 'premature obsolescence', or the early failure of products. The negative consequences of this practice include inconvenience, financial loss and tremendous pressure on the environment.

The current shortcomings

In industrialised economies such as the EU, current consumption patterns still largely follow a path of 'produce, use, dispose'. The current reality of unsustainable consumption puts a strain on resources and results in huge waste streams.

Consumer complaints indicate that many of the products that fail early lack durability requirements. For example, topping the list of the Test Achats reporting tool '[Trop Vite Usé/ Te Rap Kapot](#)' are mobile phones, printers, coffee machines, tablets, laptops, digital cameras, GPS trackers and kitchen blenders, in addition to large household appliances such as fridges, washing machines and dishwashers.

Moreover, while the EU Ecodesign system is a good initiative, it is limited to energy-using and energy-related products. This means that sectors where short periods of product use are also of concern from an environmental and economic perspective – such as shoes, textiles and furniture – are currently completely off the radar.

What are we asking of the EU?

The EU needs to take serious action in order to prolong product lifetime, repairability and upgradeability. While national rules such as lower VAT rates on repair services and spare parts can make an important contribution, EU measures could ensure that all products are designed to last. In the era of connected products, software updates play an essential role in keeping products operational and compliant with consumers' legitimate expectations. The European Commission must ensure that the Internet of Things does not generate increased early obsolescence and consumer detriment. The EU should also provide consumers with simple and comparable information about product lifetimes.

We have the following recommendations to facilitate a consumer-centric transition towards a resource-efficient circular economy:

- Durability should be in the DNA of product design. Ecodesign rules make some products greener from the design phase: for example, ensuring that fridges, washing machines and solar panels use less energy for the same performance. We could make the most of this tool if the EU systematically included durability requirements on top of energy-usage requirements.
- Lifetime information should be provided prior to purchase. When they are shopping, consumers need to know about the expected lifetimes of products and the related costs, repair options and availability of spare parts. This would help them to choose more sustainable products that suit them better.
- Spare parts should become systematically available and more affordable. This way consumers can have their broken washing machines or printers repaired instead of buying new ones. Spare parts and repair manuals should be available for a duration that reflects the product's expected lifetime.
- Software updates should be available during the expected lifetime of a product. Also, consumers should be informed at the time of purchase about how long updates will be available and for what purpose (security, functionality updates, etc.).

What tools should the EU use?

- The EU should systematically integrate durability requirements into all EU Ecodesign measures and disclose information about the expected lifetime and reparability of products on the Energy Label. This should be done through adapting and creating product-specific implementing measures.
- The Commission should also ensure that Member States take swift market surveillance measures against products that violate environmental legislation (such as for example Ecodesign rules) under the future enforcement and compliance regulation.

- In implementing the UN Sustainable Development Goals, the Commission should further investigate how product lifetimes can be prolonged for products that do not fall under the scope of Ecodesign measures (such as for example shoes, textiles and furniture).
- Connected products must be serviced with essential updates – for example to maintain their IT security – for a reasonable period of time, and preferably throughout their expected lifetime.

3. Consumers should not be exposed to harmful chemicals

Why it matters for consumers

Consumers are often not aware of what chemicals are in which products and how to reduce their exposure. But they are worried: in a 2017 Eurobarometer survey, 84 percent of Europeans reported concerns about chemicals in everyday products, up from 43 percent in 2014. Consumers moreover report that they lack information about chemicals in the products they buy: for example, the 2014 survey found that 39 percent of people would like more information about the health impacts of chemicals used in everyday products.

The current shortcomings

The European Union boasts the world's most advanced and ambitious chemicals management framework. Still, most chemicals can be used in consumer products with little actual control, a fact highlighted in an extensive 2017 study³ for the European Commission. Where rules do exist, enforcement⁴ is often weak and patchy.

What are we asking of the EU?

The Commission must develop a horizontal perspective on how the EU can minimise consumers' cumulative exposures to harmful chemicals. Based on the precautionary principle, the Commission needs to promote a prompt, systematic response to harmful chemicals in consumer products across all relevant EU laws. As a matter of urgency, they need to outline how gaps in the current legal framework can be addressed. The Commission also needs to play a much more prominent role in the enforcement of EU chemical legislation.

What tools should the EU use?

- The Commission needs to deliver a strategic plan for how to reduce overall consumer exposure to chemicals in products. This plan should also lay out how to more quickly identify and take action against chemicals of concern across different sectors. For example, if a chemical is identified as problematic in the context of toys, it is also a problem for childcare products and should be regulated accordingly.
- Gaps in the current legal framework must be addressed, both under the REACH Regulation and through new sector legislation for products that consumers come in close and frequent contact with (such as textiles, furniture and absorbent hygiene products).
- In parallel, EU legislation must be modernised to account for cumulative exposures (the 'chemical cocktail'). Maximum limits must look not only at an individual substance, but consider that consumers are simultaneously exposed to numerous other chemicals.
- The Commission, in co-operation with the European Chemicals Agency (ECHA) and Member States, needs to develop a systematic enforcement strategy to ensure that EU chemicals policy translates into real consumer protection.

³ <https://publications.europa.eu/en/publication-detail/-/publication/89fbbb74-969c-11e7-b92d-01aa75ed71a1/language-en>

⁴ https://echa.europa.eu/documents/10162/13577/ref_4_report_en.pdf/b53f5cd9-64a4-c120-1953-e9e176b9c282

- In the light of experience gained during its implementation, the Commission should further refine the current REACH enforcement indicators to enable the benchmarking of national enforcement activities.

4. Food labels should make the healthy option the easy option

Why it matters for consumers

Consumers have a hard time choosing healthy food for themselves and their families, as demonstrated by the alarming rates of overweight and obesity in the EU. The unhealthy option is advertised everywhere, is too easily available, and also targets vulnerable consumers such as children. Nutritional information on food labels is difficult to grasp for many consumers, and it is still permissible for food high in fat, sugar and salt to claim health benefits. Irrespective of whether they are drinking a bottle of soda or a glass of wine, consumers should be provided with ingredient and nutritional labelling.

The current shortcomings

Since December 2016, all food and non-alcoholic drinks must carry a nutritional declaration on the back of the pack. Still, many consumers struggle to make sense of the numbers. The nutritional declaration lacks an interpretative element, such as colour coding, to help people figure out a product's nutritional value. Unfortunately, EU food labelling rules do not currently mandate the provision of simplified nutritional information to consumers. Furthermore, alcoholic beverages are exempt from ingredient and nutritional information requirements, although this derogation is not based on any objective grounds.

The Nutrition and Health Claims Regulation, in application since 2007, aims to ensure that any health-related claim made on a food's label or in advertisements is accurate and based on scientific evidence, and that it does not mislead consumers into believing that the product is healthier than it really is. In practice, however, many products that are high in fat, sugar and/or salt continue to claim health benefits. This is because the EU is ten years late in establishing the so-called 'nutrient profiles', a set of nutritional criteria meant to determine which foods are actually healthy enough to advertise health benefits.

What are we asking of the EU?

All EU consumers must be empowered to more easily make healthier food choices when they shop for groceries. All alcoholic drinks should provide nutritional and ingredient information on the label, where it can be seen and used by consumers. Food and drinks that are high in fat, sugar and/or salt must stop claiming health benefits and should no longer be advertised to children.

What tools should the EU use?

The EU urgently needs to step up the ambition of its nutrition policy. The 2007 Strategy on nutrition, overweight and obesity-related health issues must be updated and beefed up. It must include the adoption of legislation mandating simplified, colour-coded front-of-pack nutritional labelling for food and drinks. The long-awaited nutrient profiles must be established in order to prevent unhealthy food from bearing health claims. We also expect the European Commission to propose legislation to close the regulatory loophole depriving consumers of ingredient and nutritional information on alcoholic drinks. Regulatory action is also needed to restrict the marketing of unhealthy food to children.

5. Medicines should be accessible and affordable

Why it matters for consumers

High prices and shortages of medicines have become a barrier for consumers around Europe in accessing the treatments they need. Moreover, there are major differences in health realities across the European Union. Economic development and healthcare spending are significantly lower in the Member States that have joined the EU since 2004, in comparison with the 'older' members. This impacts the access to medicines for consumers in these countries, especially when it comes to more innovative treatments.

The current shortcomings

More and more European consumers struggle to access the medical treatments they need. While new ground-breaking medicines are being developed, their price is often so high that governments are forced to make hard choices about which treatments to reimburse. As a result, effective new medicines might not reach the patient.

An important part of the research and development of medicines is conducted by public universities or through research projects, both subsidised by taxpayers' money. Yet these contributions are not reflected in the final price charged by the pharmaceutical industry, meaning that consumers pay twice for their medicines – both as taxpayers and as patients.

Shortages caused by one or a combination of problems in the manufacturing process (i.e. a shortage of raw materials); distribution and supply (i.e. parallel trade from a low-price to a high-price market in the EU); or economics (i.e. the financial crisis, pricing policies, or marketing strategies) are additional critical concerns that often leave patients unable to access the medicines they need in a timely way.

What are we asking of the EU?

The EU must assume a stronger and more proactive role in developing a tangible pan-European approach to health policy that promote equitable access to safe, affordable and effective medicines for all EU consumers.

What tools should the EU use?

- Public funding for medical research should be made conditional upon new drugs being accessible and affordable for patients. In addition, the Commission should develop rules under the new Horizon Europe research programme to ensure that medical research is conducted according to public health needs.
- The European Commission must continue to investigate concerns related to anti-competitive behaviours in order to ensure fair market competition that leads to lower prices and innovation for consumers.
- The Transparency Directive (89/105/EEC, the Directive on the transparency of measures regulating the pricing of medicinal products for human use) should be reformed to ensure that pharmaceutical manufacturers are required to provide all relevant clinical data in order to implement pricing and reimbursement decisions.
- National laws transposing the requirement for pharmaceutical manufacturers to provide advance notice of a temporary or permanent discontinuation of supply to the market must be implemented in all EU Member States without delay. A common definition of medicine shortage is included under the EU pharmaceutical framework, and a centralised monitoring system to identify common causes should be developed in order to ensure better compliance with early notification requirements for medicines shortages.



**CONSUMER
EXPECTATIONS 2019-2014**

**BEYOND OUR
TOP PRIORITIES**

CONSUMER EXPECTATIONS 2019-2024

BEYOND OUR TOP PRIORITIES

A fair and competitive Europe

The European project is built on values of fairness, freedom, democracy, equality and the rule of law, with the goal of promoting peace and the well-being of Europeans. Consumer policy in the broad sense has been instrumental in contributing to the achievement of these goals by trying to ensure that consumers are treated fairly and can benefit from Europe's social market economy. The next Commission should continue to materialise these values in its policies and enforcement activities to deliver a fair and competitive Europe.

1. A STRONG EUROPEAN COMPETITION POLICY
2. MAKING DATA WORK FOR CONSUMERS
3. ENSURING CONSUMER PROTECTION IN THE PLATFORM ECONOMY
4. ENSURING AN OPEN INTERNET
5. OPEN BANKING THAT BENEFITS CONSUMERS
6. INCLUSIVE, FAIR AND PRIVACY-FRIENDLY INSURANCE MODELS
7. ENSURING ACCESS TO AND ACCEPTANCE OF CASH
8. ENSURING THAT CONSUMERS HAVE ACCESS TO TRUSTWORTHY FINANCIAL ADVICE
9. PROPOSING RULES FOR THE BETTER PRESENTATION OF CONSUMER INFORMATION
10. PROVIDING FOR CONSUMER-FRIENDLY TRANSITION IN GAS MARKETS
11. SMART ENERGY SERVICES AND TECHNOLOGIES THAT DELIVER TO CONSUMERS
12. DELIVERING BENEFITS AND PROTECTING CONSUMERS IN GLOBAL MARKETS
13. IMPROVING FOOD LABELLING RULES AND ENSURING THEIR EFFECTIVE ENFORCEMENT

1. A STRONG EUROPEAN COMPETITION POLICY

Why it matters for consumers

Vibrantly competitive markets are a fundamental pillar for the success of the European Union. Consumers in general benefit from competitive and open markets that allow them to access a wide range of innovative products and services from different providers across the Single Market. Even if much remains to be done to fully achieve this objective, European markets today are less concentrated and more competitive than comparable third-country economies like the United States.⁵ This is the combined result of a culture that does not tolerate anti-competitive behaviour and legislative measures

⁵ G. Gutiérrez and T. Philippon, "How EU Markets Became More Competitive Than US Markets: A Study of Institutional Drift", NBER Working Paper No. 24700, June 2018.

adopted over the past three decades to liberalise and open up markets that were traditionally closed to monopolies.

Current shortcomings

The digitalisation of markets and the rise of the zero-price economy have brought new challenges for competition law enforcement: consumers are prevented from choosing innovative services based on healthy competition due to misbehaviour by dominant companies. This is coupled with the common trend among such firms to acquire smaller companies and start-ups with the aim of suppressing potential competition. Furthermore, a new narrative favouring the development of 'European giants' is growing amongst some national governments. This involves encouraging European firms to compete in global markets against foreign companies that are sometimes heavily subsidised by their own governments. However, enforcing competition law with a light touch, or even worse, undermining the independence of DG Competition, would lead to less competition in domestic markets and as a result fewer choices and higher prices for Europeans.

What are we asking of the EU?

The EU should continue to prioritise pro-competition policies and the strong enforcement of competition laws to ensure that consumers can benefit from choice, quality and fair prices across sectors. EU merger control should not be weakened to facilitate corporate concentration. On the contrary, we need a strong merger policy more than ever to capture acquisitions that aim to suppress future competition ('killer mergers') and deny consumers the benefits of a competitive economy.

What tools should the EU use?

- EU competition laws should be enforced in accordance with the values and goals of the EU treaties, thus seeking to maximise the well-being of all Europeans.⁶
- The EU should enlarge its competition toolbox (e.g. by adopting new criteria to assess the market power of firms such as the de facto control of data) in order to be able to better target anti-competitive practices by dominant firms.
- The jurisdictional thresholds of the EU Merger Regulation should be adapted to include mergers that currently fall outside the scope of EU merger review due to the low turnover thresholds of the firms involved (e.g. by using the number of consumers impacted by the merger coupled with the amount of the transaction as a threshold).⁷ This should be accompanied by specific measures to block or condition 'killer mergers' (e.g. by preventing firms above a certain market share from acquiring new firms).

2. MAKING DATA WORK FOR CONSUMERS

Why it matters for consumers

Data has become the fuel of innovation in an increasingly digitalised economy. Consumer products and services generate huge amounts of data, which is in turn used to develop products and services that are often essential in our daily lives. Due to the importance of data for our economy and society, we must thus rebalance the control over this consumer-generated data via devices (e.g. smart meters, connected cars and phones) and services (e.g. social networks and search engines) and prevent it from concentrating in the hands of a few market players.

⁶ https://www.beuc.eu/publications/beuc-x-2018-084_beuc_response_shaping_of_competition_policy.pdf

⁷ https://www.beuc.eu/publications/beuc-x-2017-010_comments_on_eu_merger_control.pdf

Current shortcomings

Currently, data holders such as device manufacturers, social media platforms and e-commerce companies are massively accumulating user data. They are also deciding whether or not to share this data, or limiting the conditions in which the data generated by consumers can be accessed and used by other players such as rival businesses, public authorities and non-governmental organisations. These companies have the power to limit the capacity of others to compete, enter the market, innovate and create new services. They can also limit the possibilities for public service providers (like cities and public agencies) to develop better services, and for consumers to benefit from the data they generate through their devices (for example in switching services).

Consumers are exposed to the data practices in the business model used by dominant platforms that portray the services provided as 'free' whilst in reality exploiting consumers by hoovering up their personal data. Due to the lack of choice, it is not possible for consumers to avoid becoming the target of such practices. The General Data Protection Regulation aims to give consumers control over their privacy and personal data. However, this legislation alone will not be capable of addressing widespread anti-competitive data practices (e.g. via the exercise of the portability right by consumers), or issues arising from the concentration and exploitation of non-personal data (which can lead to other forms of harm such as loss of quality, behavioural discrimination and exacerbating additional and manipulation). Moreover, the services for which consumers are given no choice but to accept the use of their data do not all deliver real benefits. Instead, a very worrying commercial 'surveillance' business model that exploits personal data in order to make money from digital advertising and the personalisation of offers and services is becoming increasingly common.

What are we asking of the EU?

Consumer data should be used for the 'common good', as a driver for innovation that works for consumers and for society as a whole. This requires adopting an approach that is pro-consumer (e.g. to stimulate innovation and choice) and oriented towards the general interest (e.g. to enable public bodies to provide services of general interest). This must be the basis for a European data policy that stimulates innovation while ensuring that consumers are the main beneficiaries of the data they generate.

Consumers do not always get enough value back in the form of innovation and quality of services for the data that is being generated and collected, while data and new technologies would have a big potential to significantly improve the lives of consumers within a framework of respect of consumer rights and fundamental rights. There is no real innovation if it does not benefit consumers.

What tools should the EU use?

The EU should legislate to enable innovation and consumer choice by tackling data concentration and reducing the risk that consumers are exploited and locked in within an ecosystem of companies (e.g. by not allowing interoperability between connected devices). This pro-competition legislation should stimulate safe data sharing whilst fully respecting the rights of consumers under the GDPR. To this end, the new law could be inspired by the principles and rights established in the GDPR (e.g. data portability) and other sectoral legislation like the Payment Services Directive 2, which is an important test case from a consumer protection point of view.

3. ENSURING CONSUMER PROTECTION IN THE PLATFORM ECONOMY

Why it matters for consumers

Search engines, app stores, e-commerce platforms and booking and review websites play a crucial role in today's economy and in consumers' daily lives. Consumers rely on them for access to digital services and online products, and companies need them to reach consumers. The intermediary role played by these platform companies is a key cog in the machinery that allows consumers to enjoy the benefits of the digital economy and society.

Current shortcomings

While platforms have brought numerous benefits for consumers – such as new services and new ways to buy products and access information – their ubiquitous growth has also generated fundamental concerns and challenges from a consumer protection perspective. Consumers often find themselves exposed, as legislation is not appropriately enforced or simply not effective in dealing with some of the existing problems. For example, issues around the transparency and fairness of business practices, the safety and regulatory compliance of products bought online, personal data and privacy protection, pricing techniques, and the concentration and abuse of market power are not completely solved. Recent efforts to modernise the applicable legal framework, such as the New Deal for Consumers, the new Platform-to-Business (P2B) Regulation, and the new rules on market surveillance will hopefully address some problems. They do not however provide for an overall solution.

In particular, consumers increasingly receive dangerous and non-compliant products, or products that do not respect environmental requirements through online sales. Such products are often shipped from outside the EU directly to consumers without any safety checks. While the new Regulation on Enforcement and Compliance may address a few of these shortcomings through better traceability and accountability in the supply chain and by making legal representative binding for some consumer products, major loopholes remain for many consumer products.

What are we asking of the EU?

Building on the progress made and the measures adopted in the framework of the Digital Single Market Strategy under the previous Commission, it is necessary to take additional steps forward to ensure that online platforms truly benefit businesses and consumers alike.

Consumers must be adequately protected when they use online platforms to buy goods and services. For instance, there must be full transparency about how platforms operate (e.g. how offers are ranked, pricing techniques, etc.) and about consumers' rights and obligations. Consumers should have a right to interpret statements made by the platform as correct, and platforms must have a fair share of the responsibility when they have a significant influence on the supply of products and services.

The EU must also make sure that any dangerous and non-compliant products sold online are swiftly taken off the market before they reach consumers. The safety and conformity of products sold online must be improved for all consumer products, and not only for those falling under sector-specific legislation.

What tools should the EU use?

- If the eCommerce Directive is reformed, the EU must carefully assess its functioning in light of commercial and technological developments. Any eventual reform must not compromise the key principles that protect consumers' fundamental rights and freedoms in the platform economy.

- New rules on the responsibility of online platforms should be introduced to ensure that they can be held liable for misleading statements. They should also be held liable in the case that they are not acting as a mere intermediary host and something goes wrong with the services they enable (e.g. when they have control over the means of payment, prices, or the conduct of the service supplier).
- The EU should reform the General Product Safety Directive and ensure that the market surveillance authorities in Member States carry out more frequent and better controls on products sold online. The swift implementation of the new Regulation on Enforcement and Compliance in the Single Market for Goods must also be ensured.

4. ENSURING AN OPEN INTERNET

Why it matters for consumers

Consumers' lives are becoming increasingly digital, and take place partly online. It is essential to guarantee that consumers can access the internet without restrictions, and that they can use their smartphones, tablets and other connected devices in the way they want.

Current shortcomings

Consumers face many restrictions online. Whereas the EU's net neutrality rules are a strong framework for an open internet, these rules are not all being adequately implemented and enforced. For example, not all Member States have put forward sanctions for net neutrality violations to date.

In addition, consumers are not always able to use their smartphones or other devices in the way they want. They experience limitations in what apps they can install or uninstall on their smartphones, for example, or in the app stores they can access on their tablets.

Finally, consumers still face digital barriers when trying to access or use online audiovisual content across the EU, despite the efforts to create a Digital Single Market.

What are we asking of the EU?

The EU must ensure the right for consumers to access online content and services without any unjustified restrictions. This entails ensuring that consumers have control over their devices, for example in terms of which apps they want to install or uninstall. It also means creating a Digital Single Market for online audiovisual content so that consumers can easily access audiovisual services across borders within the EU. Finally, the European Commission and the National Regulatory Authorities (NRAs) competent for telecoms should guarantee that net neutrality remains a key pillar of Europe's digital policy and that problems with zero-rating practices are addressed.

What tools should the EU use?

- The European Commission and the NRAs should duly enforce existing EU net neutrality rules, paying particular attention to so-called zero-rating practices.
- After reviewing where the existing framework touches upon this topic, a European law on device neutrality should be proposed and adopted to give consumers control over their devices and guarantee access to the open internet in all parts of the value chain. For example, consumers should in principle have the right to uninstall apps and content they are not interested in from their devices. Also, device manufacturers and providers of operating systems should not be able to impose restrictions on app developers to limit access to key device functionalities (e.g. GPS or voice commands) for purely commercial reasons.
- Building on the recently adopted rules on geo-blocking in e-commerce, online broadcasting and content portability, the Commission should propose a legislative instrument to put an end to geo-blocking in the audiovisual sector for once and for all.

5. OPEN BANKING THAT BENEFITS CONSUMERS

Why it matters for consumers

One of the biggest recent technological developments in retail finance is ‘open banking’, which involves FinTechs (financial technology) and financial service providers accessing consumers’ financial data on their bank accounts in order to offer them various services. These may include payment, money management and investment advice, credit and insurance products, or cheaper energy offers. This development has happened through the revised Payment Services Directive (PSD2), which requires banks to grant third parties access to bank accounts based on the consumer’s consent, with the aim of promoting market competition. These new developments present both opportunities and challenges for consumers, and should therefore be properly regulated.⁸

The current shortcomings

Although the PSD2 requires banks to grant third parties access to current bank accounts, it is quite unclear how consumers should be informed, give consent and retain control over the management of data. In addition, the scope of open banking is broad and not simply limited to current accounts: third party service providers aim to access and analyse all consumer financial data (including savings and investment accounts, insurance and pension contracts). EU-level rules for a consumer-friendly open banking environment – in which consumers would be in full control of their financial data – are lacking.

What are we asking of the EU?

The EU should create a framework to ensure that open banking services benefit rather than harm consumers.

What tools should the EU use?

We call for an EU regulatory action to guarantee that consumers have rights and are protected when using open banking services. This would include rules on consumer consent, the withdrawal of consent, limiting access to the account, compensation in case of incidents, etc. We also call for an equally high level of consumer protection when various means of payment are being used, notably credit transfer.

6. INCLUSIVE, FAIR AND PRIVACY-FRIENDLY INSURANCE MODELS

Why it matters to consumers

Insurance firms increasingly rely on Big Data analysis in order to market, set prices and personalise insurance offers for consumers. While such innovations could provide some potential benefits to consumers, they also trigger questions about privacy, discrimination, fairness and exclusion. The increased risk segmentation that insurance firms could potentially carry out using Big Data could undermine the whole concept of insurance, which has traditionally been based on the principle of solidarity.

In the future, it will be necessary to consider safeguards to ensure that vulnerable consumers and privacy-minded individuals do not face discrimination or risk exclusion from insurance products. As Big Data and the use of personal data in the insurance sector takes off, consumers may be expected or even required to undergo intrusive monitoring processes in order to take out insurance in the future. There may also eventually be a risk of exclusion for people with an impoverished data history. Privacy-minded

⁸ “Consumer-friendly Open Banking”, BEUC position paper, September 2018: https://www.beuc.eu/publications/beuc-x-2018-082_consumer-friendly_open_banking.pdf

individuals who may not be willing to share personal information could also be excluded from insurance contracts, or face unacceptably high premiums, in the future.

The current shortcomings

There are currently no clear and binding EU rules to ensure that solidarity remain the over-riding principle guiding insurance provision, so that consumers have equal access to such products. Furthermore, there are no rules to ensure that individuals who may not be willing to share private information are not excluded from insurance contracts or are subject to unacceptably high premiums in the future.

What are we asking of the EU?

The EU should assess how the rise of Big Data affects the access and affordability of financial services for all categories of consumers, and how the risks related to the fair treatment of consumers as a result of enhanced consumer profiling techniques can be addressed. Policy-makers will need to ensure that certain data that can be used against the interest of consumers and the wider society is not abused by insurance undertakings.

What tools should the EU use?

The EU should investigate how Big Data affects the financial exclusion of consumers in insurance contracts and – where necessary – propose regulatory interventions in order to protect consumers.

7. ENSURING ACCESS TO AND ACCEPTANCE OF CASH

Why it matters for consumers

Consumers should have the right to choose how they want to pay. Each payment method has its advantages depending on the needs and preferences of the consumer. Cash has several features that cannot be matched by electronic payment services: it guarantees the consumer's privacy; it ensures the financial inclusion of unbanked people; and it contributes to a more competitive retail payments market by preventing a few card players from dominating the market.

The current shortcomings

Consumers increasingly face difficulties in accessing their cash via ATMs and bank branches. Banks are rapidly reducing their branch networks in several countries, and the remaining branches do not always provide cash. According to a recent study by the European Central Bank (ECB), an average of 5-6% of the surveyed participants in the eurozone reported that it was difficult to find an ATM or bank when needed, and in some countries more than 10% had difficulties. Moreover, access to cash may be less favourable at the regional level than the country's average, especially in rural areas.⁹

In addition, more and more banks and ATM providers across the EU are imposing fees for cash withdrawals, and shops in some EU countries no longer accept cash. This raises the question of legal tender, which is not defined at the EU level, even within the eurozone.

⁹ The use of cash by households in the euro area, ECB occasional paper, November 2017: <https://www.ecb.europa.eu/pub/pdf/scpops/ecb.op201.en.pdf>

What are we asking of the EU?

Cash is a public good, and public measures are needed to ensure its continued existence alongside electronic and innovative payment options. Several BEUC members are raising their voices against the move to a cashless society that is not in the interest of consumers.¹⁰

What tools should the EU use?

We call for an EU regulatory action to ensure that consumer access to cash is free of charge or cost-based, and that all physical traders have an obligation to accept payments in cash (EU legal tender).

8. ENSURING THAT CONSUMERS HAVE ACCESS TO TRUSTWORTHY FINANCIAL ADVICE

Why it matters for consumers

Advice is something that consumers seek for all sorts of important financial decisions in their lives: from setting up an investment plan to taking out a life insurance policy or saving into a pension fund for their retirement. Consumers must be able to rely on able and qualified advisers to help them navigate what is often a jungle of complex financial products in order to choose the product that is most suitable for them.

The current shortcomings

Unfortunately, as has been shown by many recent mis-selling scandals in Europe,¹¹ consumers are frequently not getting the advice they really need. All too often, consumers are pushed into buying financial products that may not be appropriate or suitable for them.

BEUC strongly believes that commissions – the sales incentives that financial intermediaries and advisers receive for selling a particular financial product – can give rise to serious conflicts of interest during the advisory process. Sales incentives prevent advisers from acting in the client's best interest, and instead trigger recommendations for the products that bring the highest possible benefits to the adviser. In turn, advisers tend to steer consumers towards investing in overly complex, expensive or unsuitable products. Recent research by the European Insurance and Occupational Pensions Authority (EIOPA) shows how insurance firms receive over €5.2 billion per year in commissions from large investment funds, and how they in turn steer EU consumers towards more expensive investment-based products.¹²

What are we asking of the EU?

To tackle the conflict of interest that remains at the heart of financial advice, the EU must implement a full ban at the European level on the payment of sales incentives for all investment products and complex financial products. A ban on commissions would result in better outcomes for EU consumers by ensuring that financial advisers are not unduly influenced when providing financial advice.

Following several mis-selling scandals in their own countries, the Netherlands and the UK have opted to implement nation-wide bans on commissions. Recent evaluations by the Dutch¹³ and UK¹⁴

¹⁰ <https://campaigns.which.co.uk/save-our-cashpoints/>

<https://www.test-achats.be/action/espace-presse/communiqués-de-presse/2019/deutsche-bank>

¹¹ <https://www.thepriceofbadadvice.eu/>

¹² https://eiopa.europa.eu/Publications/Reports/16.%20EIOPA-BoS-17-064-Report_Thematic%20review%20on%20monetary%20incentives%20and%20remuneration.pdf

¹³ <https://www.tweedekamer.nl/downloads/document?id=6eba7576-c347-4c73-aaae-74501faaae10&title=Evaluatie%20provisieverbod.pdf>

¹⁴ <https://www.fca.org.uk/publication/corporate/famr-final-report.pdf>

governments of their respective bans prove their effectiveness in reducing conflicts of interest. Meanwhile, research by the European Commission¹⁵ suggests that consumers in the UK and the Netherlands pay the lowest fees for investing into funds due to their countries' bans on commissions to financial advisers.

What tools should the EU use?

We call for an EU regulatory action to ban the payment of sales incentives for all investment products and complex financial products.

9. PROPOSING RULES FOR THE BETTER PRESENTATION OF CONSUMER INFORMATION

Why it matters for consumers

One of many important elements of consumer protection is the right to be empowered to make an informed choice. Consumers are not on equal footing with traders, and without the appropriate information they lack awareness about their rights and obligations. This compromises their ability to make the best choice and to get a fair deal.

The current shortcomings

Particularly in online markets, many consumers face the problem that they lack full disclosure about the seller, the products, or the risks involved. Information is often not provided in a way that enables consumers to understand what a purchase actually entails. In addition, with products and services becoming significantly more complex (with for example the Internet of Things), it has become more difficult than ever to understand a product's functioning and make an informed choice. Terms and conditions are often lengthy and complex, leading many consumers to accept them without reading them. This means that they do not have a fair chance to familiarise themselves with their purchase or to understand the contractual relationship. Moreover, transparency is decreasing in markets driven by AI-powered algorithms and profiling. As a result, we need new tools like the right to 'explainability' in order to ensure adequate protection for consumers.

What are we asking of the EU?

All consumers should receive product-related information that is framed, designed, contextualised and presented in such a way that they truly become informed consumers. Disclosure should also be smart, for example addressing the specific information needs of vulnerable consumers.

Contractual terms and conditions should be short and easy to comprehend, and should be presented separately from privacy terms. If terms are not technically fit for reading, they should not be binding on consumers.

Regarding AI systems, the principle of explainability means that an automated decision-making mechanism can be described, inspected and reproduced. Reasonable explanations must be provided according to the needs of the relevant stakeholders, such as consumers or enforcement and market surveillance authorities.

Finally, new ways to protect consumers that go beyond the traditional presentation of information should be sought. Consumer information is not an all-purpose panacea: there are limits to consumer choice, and protection through mandatory information is simply not enough in many market situations. In these cases, the implementation of the principle of 'protection by default and by design' is required.

¹⁵ https://ec.europa.eu/info/sites/info/files/180425-retail-investment-products-distribution-systems_en.pdf

What tools should the EU use?

The EU should adapt current EU consumer law by taking into account how, in which form, in what language, when, and by whom essential information should be communicated to consumers. Using legal design and behavioural economics as a basis, stricter mandatory standards for the presentation of consumer information should be introduced in the current EU consumer law framework. Transparency should take into account the need for personalised information and the specific informational needs of consumers in vulnerable positions.

The assumption should not be that consumers must always read terms and conditions; rather, the opposite should be assumed. Traders should thus be obliged to keep the length of terms and conditions to a minimum, and to highlight the most essential information. A mandatory summary of key aspects should also be envisaged. In order to be fit for digital technologies, terms and conditions should be made permanently available and any changes should be communicated in a clear and transparent way. A specific right to transparency and information should be provided for automated decision making.

10. PROVIDING FOR CONSUMER-FRIENDLY TRANSITION IN GAS MARKETS

Why it matters for consumers

Energy bills are one of the main financial concerns for consumers. For many of them, gas consumption is currently a major component of their energy bill. However, the demand for natural gas is expected to decline gradually after 2020 and more significantly after 2030 if the potential of energy efficiency, electrification and renewable energy is fully used.

This switch from fossil gas to clean alternative fuels will have impact on consumers and their bills. Therefore, policies need to keep up with the future of the energy landscape by putting consumers at the centre and ensure that consumers have access to affordable and sustainable energy services and the right level of rights and protections.

The current shortcomings

Consumers rely on a number of sources of energy, and the level of protection in each case is divergent. The EU adopted the 'Clean Energy for All Europeans' package to enable consumers to easily engage with renewable energy and be more energy efficient. This legislative package is also introducing new consumer rights and protections. However, it does not cover the gas sector, whose regulatory framework therefore does not include the more progressive consumer rights and protection provisions that are part of the Clean Energy package.

Moreover, the current regulatory framework needs a thorough update, bearing in mind the decreasing role of natural gas, increasing electrification as well as the potential of renewable energy and energy efficiency among others.

What are we asking of the EU?

The EU should ensure that the upcoming regulatory framework contributes to 'climate neutrality' by 2050 and meets the targets of the Paris Agreement. At the same time, the EU plays an important role in ensuring that all EU consumers are sufficiently protected and markets are fair, transparent, competitive and with strong regulatory oversight.

The regulatory framework should deliver to consumers, especially in terms of prices, choice, information and good quality of service at an adequate price. Therefore, the Commission should consider decreasing the role of gas in the decarbonisation process and ensure that improved consumer rights and protections in electricity retail markets are mirrored in gas retail markets.

The future framework should address a number of questions, such as what the potential of alternative fuels is or how to ensure consumers do not end up paying for under-utilised gas networks.

What tools should the EU use

The EU should adopt regulatory framework that is fit for coming decades, ensuring affordable energy services with strong consumer protections and rights while fully considering solutions to decarbonised EU's energy system and reducing EU's dependence on external suppliers.

11. SMART ENERGY SERVICES AND TECHNOLOGIES THAT DELIVER TO CONSUMERS

Why it matters for consumers

Digitalisation and the Internet of Things are changing the consumer world at all levels: not only our new smart products and how we interact with them, but also traditional services such as energy.

The potential for smart technologies to provide us with benefits is significant, and the expectation is that they will make our lives easier and more comfortable. For instance, smart homes are expected to automatically adapt to our needs in every situation, optimising energy consumption so that we save money and reduce our environmental impacts. From a consumer perspective, a smart home should be a comfortable, safe, healthy and energy-efficient living space. In the smart home, consumers should be able to benefit from self-generation as well as smart and interoperable appliances that have been designed for long lifespans. They should be able to manage their consumption through consumer-friendly smart metering systems if they choose to do so. New types of electricity services enabling consumers to shift their energy consumption to periods when energy is cheaper are starting to emerge, and, if well-designed, these services could also give consumers the possibility to reduce their bills.

The current shortcomings

There are several challenges connected with the deployment of smart technologies, including not just privacy but also security, safety and interoperability. New technologies such as smart meters are being rolled out around Europe, and while consumers can experience some of their benefits, a number of issues are emerging. Consumers lack awareness, for instance, or they are concerned about their privacy, or they experience problems during the process of installation or switching providers. New flexible electricity offers are at the nexus of the energy and digital sector and – if broadly taken up by households - will be part of the concept of the smart home. While these offers can bring much needed flexibility and allow energy markets to work more efficiently, there is a limited appetite for the regulation of these offers and the relevant service providers. Policies that are not tailor-made for consumers carry the risk that the necessary safeguards and incentives to foster consumer engagement in demand-side flexibility will be absent.

What are we asking of the EU?

The EU must ensure that new services and technologies respond in practice to consumer expectations, and that they meet the needs of various consumer groups including people in vulnerable situations. A consumer-centric approach with regard to new business models, smart technologies and new flexible electricity offers is an essential step towards helping consumers better control their energy bills in order to make their homes more comfortable. The Clean Energy package includes several provisions that promote smart meters and flexible electricity offers. However, this should be balanced with actions to inform, reassure, protect and assist consumers, and should be targeted at those who can benefit from them.

What tools should the EU use?

The European Commission should assess the deployment of smart technologies, new flexible electricity offers, and emerging business models in energy markets and take further action where needed in order to ensure that consumers benefit from the digitalisation of energy markets.

Moreover, the European Commission should facilitate knowledge sharing and incentivise awareness-raising campaigns by Member States, regulators and other relevant stakeholders about the changes that energy markets are undergoing.

12. DELIVERING BENEFITS AND PROTECTING CONSUMERS IN GLOBAL MARKETS

Why it matters for consumers

The EU has an ambitious trade and investment agenda. Consumers expect benefits as well as protections from globalisation. The EU should play a leading role in acting as a champion for consumers on the world stage.

The current shortcomings

One root of public discontent with recent trade deals like CETA is that they touch upon issues that go far beyond tariffs and quotas. Some of these issues – such as regulatory co-operation, good regulatory practices and rules on data flows – risk undermining consumer protections if not handled carefully. Moreover, these trade agreements do not give EU citizens the impression that they are crafted for their benefit. Finally, consumer protection is still at risk in the new Investment Court System. The Commission recognised some of these shortcomings in its 2017 reflection paper on harnessing globalisation.

What are we asking of the EU?

Trade and investment policy is an exclusive competence of the EU. The Commission represents the face of the EU in the international arena and ensures its value-based reputation. EU trade policy must bring benefits to consumers while preserving the ability of the EU to regulate in the consumer interest. By making trade agreements, regulatory dialogues and investment disputes friendlier to consumers, the Commission could restore public trust in trade and guarantee a more consensual ratification process.

What tools should the EU use?

The Commission should mainstream consumer protection and benefits in its upcoming EU trade and investment strategy and in trade and investment negotiations.

13. IMPROVING FOOD LABELLING RULES AND ENSURING THEIR EFFECTIVE ENFORCEMENT

Why it matters for consumers

Consumers want – and are entitled to – clear, honest and complete information about the food they buy. Wherever they live in the EU, they should be able to assume that the information conveyed on food packaging is both truthful and accurate.

The current shortcomings

Although the EU has a comprehensive set of food labelling rules, they must be better enforced in order to guarantee that what consumers see on the packaging is what they find inside. Diverging

interpretations and enforcement of EU food labelling laws result in uneven levels of consumer protection across EU countries, and have been shown to be a potential cause of 'dual quality'. Moreover, certain information remains largely hidden from consumers, such as the origin of the meat and milk used as ingredients in processed foods.

What are we asking of the EU?

Consumers must feel confident that the food they purchase lives up to the expectations created by the product's branding, labelling and presentation. Food labelling must allow for informed consumer choice, and should reflect the interest of consumers in the disclosure of certain information such as the composition, nutritional value, origin and production method of food.

What tools should the EU use?

The European Commission should guarantee and facilitate – e.g. through the development of guidance – the effective enforcement of EU food labelling rules. The EU should adopt legislation requiring the mandatory labelling of the origin of meat and milk, including when they are used as ingredients in processed foods.

A Europe that protects

While the promotion of competitive markets is a major driver of consumer well-being, another reality of EU consumer policy is that market failures that may harm consumers must be addressed through regulatory interventions. The protection of people's health, safety and financial soundness cannot be left to the market alone. The EU has set up a solid framework of consumer protection in different areas. It needs to continue to build this framework, and to adapt it to technological and market developments.

- 1. ENSURING A HIGH LEVEL OF FOOD SAFETY**
- 2. GUARANTEEING THE SAFETY AND SECURITY OF CONSUMER GOODS AND SERVICES**
- 3. PROMOTING CONSUMER TRUST IN THE SAFETY OF MEDICAL DEVICES**
- 4. MAKING DIGITAL HEALTHCARE BENEFIT CONSUMERS**
- 5. PROTECTING CONSUMERS' AUTONOMY AND SELF-DETERMINATION IN THE DIGITAL AGE**
- 6. PREVENTING AND PROVIDING SOLUTIONS FOR OVER-INDEBTEDNESS**
- 7. EFFECTIVE PROTECTION FOR PASSENGERS IN ALL MODES OF TRANSPORT**

1. ENSURING A HIGH LEVEL OF FOOD SAFETY

Why it matters for consumers

Consumers expect that the food they purchase for themselves and their family is safe. They rely on public authorities to set rules regulating the presence of harmful pathogens, contaminants and toxic chemicals in their food, and to ensure that industry complies with these rules.

The current shortcomings

Although Europe is one of the safest places in the world for food consumers, the EU can and must do better in several areas. A recent audit¹⁶ by the EU Court of Auditors found that EU rules to keep consumers' food safe from chemical hazards are incomplete and not always effectively applied.

There is also a noticeable trend for EU governments to cut back on their budgets for food safety controls. A series of recent incidents (Fipronil in eggs, baby formula tainted with Salmonella, Polish beef not fit for human consumption, etc.) have shed light on the inadequate response to food safety and fraud scandals by the EU and Member States.

What are we asking of the EU?

The food on consumers' plates must be safe, and consumers should be able to trust that adequate regulations and controls are in place to ensure that this is the case.

What tools should the EU use?

The European Commission should fill in regulatory gaps and harmonise those areas of food safety law that remain incompletely regulated at EU level. This includes reforming the outdated Food Contact Materials Regulation by providing strict new rules on harmful chemicals in all food packaging, while placing the burden of proof for safety on economic operators. A reformed regulation would also oblige Member States to entrust market surveillance authorities with the necessary powers, resources and knowledge to ensure effective enforcement. The European Commission should also strengthen the regulatory framework for supplements by setting maximum limits for the addition of vitamins and minerals to food.

The European Commission should ensure the more effective and harmonised enforcement of EU food safety rules through food official controls. Furthermore, greater consistency and transparency in the management of food crises by national authorities is needed, especially in terms of the information provided to the public.

2. GUARANTEEING THE SAFETY AND SECURITY OF CONSUMER GOODS AND SERVICES

Why it matters for consumers

When consumers purchase new products such as toys, clothes or electronics, they expect them to be safe and secure. However, products are often unsafe because rules are non-existent or too lenient, or have been violated by manufacturers and traders, or have not been checked by Member States. European legislation must do more to ensure that only safe and secure products make their way into physical and online shops in order to protect consumers from harmful products.

¹⁶ <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=48864>

The current shortcomings

The current legislative framework for product safety and market surveillance has several loopholes and shortcomings when it comes to enforcement. Whereas the EU has developed more stringent rules for the market surveillance of harmonised products, many consumer products are subject to outdated and thereby inefficient rules. New threats for consumers also stem from innovative and largely unregulated technologies.

The Internet of Things (IoT) – products that are connected to the internet – is unstoppably making its way into consumers' lives. However, little is being done to make sure that IoT products are safe and secure. Numerous tests by consumer groups have revealed that many of these products do not respect people's safety, security or right to privacy.¹⁷ Personal data is often shared with third parties without consumers' knowledge. Strangers can easily take control of smart toys or home devices in a few simple steps. To make matters worse, European consumers are currently unaware of the fact that IoT products may not meet basic safety and security expectations.

There is currently no regulatory framework to tackle these vulnerabilities and to prevent insecure connected products from reaching the EU market. This flaw is partly rooted in EU law, which defines 'safety' solely in terms of protection against physical damage. This legal concept of safety is too narrow, and fails to protect consumers from the security flaws that smart products may have. Moreover, there is no horizontal legislation envisaging basic, mandatory, across-the-board cybersecurity requirements for connected products and online services. The newly-adopted Cybersecurity Act only provides for voluntary certification schemes for IT security, and the scope of the Network Information Security (NIS) Directive is too restricted as it does not cover essential services such as social networks.

What are we asking of the EU?

Consumers should receive only safe products and services. To this end, dangerous products need to be reliably removed from the supply chain before they reach consumers. This currently does not happen, and too many unsafe products slip through the safety nets. To this end, the Commission should eventually ensure that all Member States swiftly adopt their new obligations for market surveillance based on the enforcement and compliance regulation (in place as of January 2021). In particular, this requires Member States to make sufficient human and financial resources available for product testing as well as to impose significant fines upon non-compliant companies. If Member States fail to take their obligations for consumer safety seriously, the Commission should follow up with infringement procedures.

Consumers need to be able to trust the connected products they buy and the digital services they use. As the EU currently has no horizontal mandatory rules for basic IT security in place, the safety of connected products and digital services should be a priority. What is needed is a horizontal law that cuts across product groups and services and requires that they are all secure by default and by design. The EU must ensure that connected products are fully covered by safety legislation, and that IT security is guaranteed.

The EU should also update the General Product Safety Directive (GPSD) and end the artificial separation between sector-specific legislation and consumer products when it comes to market surveillance. The reasoning for why a bed for a doll would be subject to more stringent safety controls than a bed for a child is impossible to explain. We therefore expect the EU to develop a consistent and pan-European framework for the market surveillance of all products.

¹⁷ https://www.beuc.eu/publications/beuc-x-2018-103_safety_of_connected_products.pdf

What tools should the EU use?

To enhance product safety in the Single Market, the EU Commission should:

- Carry out a legal reform of the General Product Safety Directive that will:
 - improve the traceability of products throughout the supply chain;
 - provide for the collection of accident and injury data;
 - ensure the same level of safety for products sold online and in brick-and-mortar shops;
 - keep the precautionary principle and the safety net function as central elements;
 - enlarge the safety concept to also cover security threats from the Internet of Things and artificial intelligence;
 - ensure stronger collaboration of national market surveillance authorities among each other and at the European level.
- Establish a horizontal legislative framework for the cybersecurity of products.
- Revise the NIS directive and extend its scope to cover additional essential services, such as social media platforms.
- Set up an ambitious programme for joint testing in designated EU laboratories. The results should be used directly for uniform enforcement in all EU Member States. Ensure that research and testing in joint laboratories also contributes to the evaluation of new risks for consumers, for example related to connected products.
- Require all internet platforms selling to consumers to quickly remove non-compliant and dangerous products. A mere voluntary agreement such as the 'safety pledge' will not be enough to keep consumers safe.

3. PROMOTING CONSUMER TRUST IN THE SAFETY OF MEDICAL DEVICES

Why it matters for consumers

The diverse array of medical devices – from sticking plasters to dental filling material, and from heart valves to X-ray machines – contribute significantly to consumers' health and well-being. Unsafe medical devices can however disrupt consumers' lives, a fact made tragically evident by the PIP breast implants fraud¹⁸ and the metal-on-metal hip implants case.¹⁹ These and other more recent scandals affecting the sector have eroded consumer confidence in medical devices and in the supervision of competent authorities. That trust must urgently be restored.

The current shortcomings

The 2017 Medical Devices Regulation establishes a more robust EU legislative framework for medical devices. Nonetheless, important areas of concern remain, notably in relation to the pre-market scrutiny and post-market surveillance of devices. Unlike medicinal products, medical devices are not subject to a pre-market authorisation but to a conformity assessment. This assessment is performed by 'notified bodies': public third-party organisations or private companies designated by Member States. While the new regulation is expected to improve supervision by notified bodies, restoring consumer trust will require a systematic, harmonised EU approach to the rigorous oversight of the work by the notified bodies to guarantee the safety of medical devices.

What are we asking of the EU?

The Commission, in co-operation with Member States, must ensure that the implementation and enforcement of the new regulation delivers better protection of public health and patient safety. A co-

¹⁸ http://europa.eu/rapid/press-release_IP-12-96_en.htm

¹⁹ https://www.bmj.com/content/344/bmj.e1410?ga=w_ga_mpopular

ordinated approach by national authorities and the European Commission to the oversight of the work of the notified bodies is imperative to ensure that they apply the same high-quality standards and fulfil the same criteria in terms of impartiality, competence and transparency. Consumers should also receive more and better information about their medical devices.

What tools should the EU use?

- The Commission, in co-operation with Member States, should develop a systematic enforcement strategy that includes ambitious scientific and technical EU support to Member States.
- Consumers also have the right to receive more and better information about medical devices. The Commission must ensure that the centralised European database on medical devices (Eudamed) is further developed without delay to ensure comprehensive public access to information on devices, manufacturers, clinical investigations and market surveillance. This information should be presented in a way that is clear and understandable for consumers.

4. MAKING DIGITAL HEALTHCARE BENEFIT CONSUMERS

Why it matters for consumers

Health and healthcare services are rapidly changing due to new digital technologies, and consumers will be profoundly impacted by this transformation. Health data holds the potential to significantly advance our knowledge about disease prevention and treatment; but it also contains the most sensitive information about individuals' health and medical histories. As such, guaranteeing data privacy, security, accuracy and the inclusion of consumer needs is imperative in order for consumers to benefit from the advantages offered by digital health.

The current shortcomings

Due to the rapid speed of healthcare digitalisation at both national and EU levels, regulatory requirements for health data and digital health products are struggling to keep pace. Questions around the application of the current legal framework (e.g. the General Data Protection Regulation) and legal grey zones (e.g. lifestyle and well-being apps and telemedicine) moreover represent major potential obstacles to gaining the full trust of consumers and their ability to benefit from digital health products and services.

What are we asking of the EU?

The EU must establish a robust, protective framework for the digitalisation of healthcare – including a secure European electronic health record system – combined with the rigorous oversight of digital health solutions and ethical guidelines for the processing of health data.

What tools should the EU use?

- Building on its 2018 digital health strategy, the Commission should continue to facilitate a European exchange system for Electronic Health Records (EHR). This system must guarantee that consumers have access to their medical data, electronic prescriptions and patient summaries when travelling or moving residence within the EU. Beyond the technical infrastructure (e.g. standards) of a common EHR system, the Commission and Member States need to ensure patient autonomy and the full control by consumers over their personal health data. At the same time, effective cybersecurity standards are crucial.
- The EU should allocate sufficient funding to support the efforts of Member States to establish an interoperable digital health infrastructure based on high data protection and security standards.

- Several EU laws aim to enhance health data protection and the IT security of health devices and systems, including the General Data Protection Regulation, the new Medical Devices Regulation and the Directive on security of network and information systems. The Commission however, in co-operation with Member States, needs to improve implementation and enforcement of the existing legislative framework. In particular, strong market surveillance and efficient redress mechanisms for digital health products and cross-border services must be put in place to guarantee the effective protection of all EU consumers.

5. PROTECTING CONSUMERS' AUTONOMY AND SELF-DETERMINATION IN THE DIGITAL AGE

Why it matters to consumers

The fundamental right to liberty and the principle of freedom of choice lie at the heart of our society and economy. As human beings and economic actors, consumers should be free to make up their minds about what they want to do or buy without being constantly watched, coerced, misled or surreptitiously manipulated.

The current shortcomings

A vast amount of evidence shows that a myriad of digital players has been and continues to closely follow consumers' every move, both online and offline. This surveillance has become the dominant business model of the internet, and will soon be the reality in all business sectors. The problems this creates will only be exacerbated as the IoT continues to be rolled out and AI-based products and services powered by big data become ubiquitous. Consumers' freedom, rights, autonomy and self-determination are all at risk. Every action is monitored, and a huge amount of data is constantly being collected. Assumptions – regardless of whether or not they are accurate – are being made and scrutinised for commercial purposes. Consequently, consumers' behaviour and decisions are increasingly influenced in ways beyond their knowledge, understanding and control.

Companies have an unparalleled power to directly influence consumer behaviour and decisions in real time, surreptitiously eroding their freedom of choice. They are determining the environment we live in, and consumers are either unknowing or unable to escape manipulation. In this way, the risk of the algorithmic and data-driven manipulation of perception, behaviour and discrimination has become a fundamental issue. For example, a decision on whether or not to grant a loan to a consumer could be based on a determination of who her/his friends are on social media. Red lines need to be identified and established.

What are we asking of the EU?

We must expeditiously and effectively tackle the problems raised by 'commercial surveillance'. The EU must protect consumers' freedom, autonomy and self-determination so that they do not simply become digital cattle on an all-pervasive data farm.

What tools should the EU use?

The EU should adopt a comprehensive framework – building on the General Data Protection Regulation, the proposal for an ePrivacy Regulation, the consumer law acquis, competition law and existing anti-discrimination laws – to address the problem of 'commercial surveillance' and to protect consumers' freedom, autonomy and self-determination in the digital age. Furthermore, specific legislative measures are needed to address the pervasive use of technologies like facial recognition and other technologies that involve biometric data.

6. PREVENTING AND PROVIDING SOLUTIONS FOR OVER-INDEBTEDNESS

Why it matters for consumers

It is difficult to imagine life without credit in a modern society. Credit helps consumers to finance home purchases, their children's education, a new car and other consumer goods. However, when indebtedness reaches high levels and becomes unsustainable, there can be serious negative consequences for the economy, society and over-indebted people. As the social costs of over-indebtedness are high, public policy measures such as responsible lending must be designed to prevent it from happening. Furthermore, over-indebted consumers must be helped and given a second chance through private insolvency.

The current shortcomings

Irresponsible lending can be an important cause of over-indebtedness. The 2014 Mortgage Credit Directive provides for strict responsible lending obligations. On the contrary, the 2008 Consumer Credit Directive does not oblige lenders and intermediaries to lend responsibly. There are currently no EU level rules in place for private insolvency.

What are we asking of the EU?

In terms of preventive measures, the expected revision of the Consumer Credit Directive should foresee strict responsible lending obligations for all consumer credit lenders and intermediaries. Responsible lending should follow a consumer-centric approach, i.e. assessing the borrower's creditworthiness and suitability of the credit and bundled products (e.g. payment protection insurance) to the borrower's needs and expectations. When it comes to the resolution of over-indebtedness, the EU should adopt harmonised rules on private insolvency covering all types of debt, including consumer credit and mortgage credit. In 2016, the Commission proposed a directive on preventive restructuring frameworks, second chance and efficiency measures for entrepreneurs. A similar policy instrument for consumers is also warranted. It is important that these EU initiatives are based on a minimum harmonisation approach, so that Member States can keep any existing high standards for consumer protection.

What tools should the EU use?

We call for EU regulatory actions in the following areas:

- Responsible lending, in the context of the upcoming revisions of the Consumer Credit Directive;
- Establishing debt advice networks aimed at preventing over-indebtedness, advising on family budgets and providing advice to over-indebted people;
- Private insolvency covering all types of consumer debt, including consumer credit and mortgage credit.

7. EFFECTIVE PROTECTION FOR PASSENGERS IN ALL MODES OF TRANSPORT

Why it matters for consumers

The number of consumers travelling across Europe and using their right to free movement is increasing each year. The EU has put rights in place so that in the case that something goes wrong with their trip, passengers can count on the protection provided to them by the EU rules.

The current shortcomings

Regulations for EU passenger rights still have many loopholes that need to be closed. In cases of airline insolvencies, passengers are left empty-handed and stranded far from home. Moreover, many unfair contract terms, like the no-show clause, are still present in the airlines' general conditions of carriage and continue to harm consumers.

Experience shows that the mere availability of passenger rights is clearly not sufficient: these rights need to be easily enforceable for EU consumers. For example, it is currently difficult for consumers to receive compensation for delays or cancellations. Long and burdensome procedures often lead to non-binding outcomes by out-of-court entities rather than enforceable decisions. On top of that, airline and rail operators seem to share a common strategy of discouraging consumers from pursuing their claims.

Finally, passengers who choose modern and environmentally-friendly solutions such as multimodal journeys (combining different travel modes such as air, train, bus or ship) face the problem that each segment of their trip has a different set of rights and conditions. These travellers thus lack continuous protection throughout their entire journey.

What are we asking of the EU?

Passengers should be protected by EU passenger rights throughout their entire journeys, no matter what kind of transport mode they choose, and particularly if they opt for a multimodal model. They should also not be forced to deal with the negative consequences of an airline's insolvency or with the unfair terms used in the travel sector. Consumers should have an easy and burden-free way to enforce their rights through an automatic compensation mechanism. Such a solution would ensure fairness and significantly raise the level of the effective enforcement of passenger rights.

What tools should the EU use?

The EU should update existing passenger rights regulations in order to introduce an airline insolvency protection for passengers and a ban on no-show clauses.

The EU should introduce an obligation for the operators of all transport services to use automatic compensation schemes for passengers, at least in cases where the necessary passenger information is available at the time of ticket purchase.

Finally, the EU should develop a new legislative instrument that better protects EU passengers using multimodal transport and gives them legal certainty regarding their passenger rights.

A sustainable Europe

Climate change is of serious concern for consumers: the increasing frequency and intensity of extreme weather events may affect their lives, health, property, holiday and travel plans, energy security, and the availability and affordability of food.

In the context of these worrying developments, it is often challenging for consumers to adopt more sustainable lifestyles. Many unsustainable products are accompanied by a hidden price tag: the environment or workers in other parts of the world pay with their health and well-being during the production process. On the other hand, the sustainably-produced goods that enter the market today are more expensive than their unsustainable counterparts. In short, consumers who want to live more sustainably must often pay for not polluting, which is a clear failure of the 'polluters pays' principle.

A broad system change for how we produce and consume will be needed in order to achieve the EU's climate and sustainable development goals. To this end, the right framework conditions must be set at the EU and national levels with regard to energy and food production, mobility solutions and ambitious sustainable product policies. In addition to 'energy efficiency first', a 'sustainability first' principle will be needed. This will ensure that all relevant policies are coherent and provide for synergy rather than nullification, or that they lead only to burden shifts.

Such broad systemic transformation will only be possible if consumers are able to trust that the accompanying changes to their daily lives will be manageable and will not increase pressure on limited household budgets. Consumers will also need to be reassured that a healthy and fulfilling life for all can be achieved through a just transition to a more sustainable Europe.

- 1. MAKING A CONSUMER-FRIENDLY TRANSITION TO A RESOURCE-EFFICIENT AND SAFE CIRCULAR ECONOMY**
- 2. MAKING THE TRANSITION TOWARDS SUSTAINABLE MOBILITY**
- 3. SECURING HEATING AND COOLING MARKETS THAT DELIVER TO CONSUMERS**
- 4. MAKING THE ENERGY TRANSITION AFFORDABLE FOR CONSUMERS**

1. MAKING A CONSUMER-FRIENDLY TRANSITION TO A RESOURCE-EFFICIENT AND SAFE CIRCULAR ECONOMY

Why it matters for consumers

Many of today's consumers are concerned about our throw-away society: too many products fail too early and need to be replaced with new ones, and too many plastic materials are only used once or for a very short period. In combination, these developments have led to an increasing waste problem, both in Europe and globally.

In a circular economy where many more materials will be recycled, there is a risk that we will be locked into never-ending toxic cycles: many of today's products contain chemicals that were legal when first manufactured but are now either restricted or banned. Increased materials recycling could give these chemicals a second lease on life in consumers' homes. For the circular economy to succeed, consumers must be confident that products made from recycled materials are safe for use and do not contain harmful chemicals that threaten their health.

Consumers must also be provided with meaningful information about the most sustainable products on the market and the environmental characteristics of these products in order to be empowered to make informed choices.

The current shortcomings

Today's EU chemicals acquis is inadequately suited for the facilitation of a successful circular economy: robust chemicals provisions are absent for many consumer products, while implementation and enforcement of the current rules too often falls short.

Plastic is a cheap, convenient and useful material with many applications. While the EU has made an important start by cutting down on single-use plastic, it is still omnipresent in our lives. Consumers have insufficient access to viable reusable alternatives, and too little information about how long a product is expected to last and whether it can be easily repaired. At the same time, consumers are often confused by the multitude of unsubstantiated and meaningless green claims, and the EU Ecolabel is not sufficiently promoted throughout the EU.

What are we asking of the EU?

- The establishment of an ambitious precautionary framework that prevents chemicals of concern from being reinjected into the economy – creating an endless hazardous legacy – is paramount. A precautionary approach means accepting that some materials and products should not – and cannot – be recycled. The EU needs to ensure an equivalent level of protection for human health and the environment whether products are made from recovered or virgin materials.
- A true circular economy requires the elimination of toxic substances before they are first used in consumer products. Better upstream chemicals management, through greater reliance on the grouping of chemicals and hazard-based standards, is therefore essential to detoxify the circular economy and to speed up the implementation of legislation meant to protect consumers.
- Improved transparency about chemicals of concern in products is key to establishing consumer confidence in recycled materials. Better information about chemicals in products will enable suppliers, distributors and consumers to adopt a preventive approach. This will in turn reinforce incentives for industry to phase out the use of chemicals of concern.
- The EU should further develop its plastics strategy, and ensure that consumers are provided with reusable alternatives that are convenient for use in daily life.

- Consumers should be provided with clear, comparable and credible information about the environmental characteristics of products. To this end, the EU Ecolabel should systematically be strengthened and should become an EU-wide 'brand' for sustainable products.

What tools should the EU use?

- The Commission needs to set new, stringent rules for 'recirculated' materials. This will prevent, for example, the contamination of our food by recycled food packaging. New EU rules to encourage materials recycling must not set more lenient standards for chemicals in recycled materials to promote their market uptake.
- Article 33 under the REACH regulation should be extended to cover as a minimum all substances falling within the definition(s) of substances of concern as identified in the Commission Communication on the interface between chemical, product and waste legislation.
- The EU should pursue further action under the plastics strategy to ensure that consumers are provided with products free of plastic packaging, and that more reusable alternatives are put on the market.
- The EU should award a significant part of its research funding under the Horizon Europe programme towards projects that focus on preventing plastic consumption. This would allow the creation of safe and convenient alternatives that could be upscaled,
- The EU Ecolabel should be strengthened through targeted awareness raising and consumer marketing campaigns so that it becomes a meaningful brand for products of environmental excellence across the Single Market. Expanding the Ecolabel to a wider range of products and services in order to offer greener alternatives in all relevant sectors is key to increasing sustainable consumption. Increased synergy through a more systematic demand for ecolabelled products via green public procurement can help to create economies of scale. This will increase market uptake and consequently improve availability and affordability for consumers.

2. MAKING THE TRANSITION TOWARDS SUSTAINABLE MOBILITY

Why it matters for consumers

Many Europeans currently have no other choice than to use their own car to fulfil their mobility needs. This is the result of decades of urban and economic policies based on the assumption that individual, petrol-fuelled car ownership is the ideal way to move from A to B. The result is a mobility system in which driving is rather inefficient, expensive and bad for the climate and the environment. Londoners, for instance, spent on average 74 hours in traffic jams in 2017.

Consumers could save a lot of time and money with a more sustainable transport system. This would include a wide range of measures: consumers would first need to have access to lower-carbon cars, as CO₂ emissions from vehicles are directly related to their fuel consumption. In addition, more alternatives to private car ownership should be available, such as a dense and well-functioning public transport system, convenient bicycle paths and more car-sharing.

The current shortcomings

EU regulatory efforts to reduce car emissions have largely been offset by the growing gap between laboratory tests and the real-world performance of cars on the road. The latest regulatory developments (the introduction of new testing cycles and robust reduction targets for both 2025 and 2030) should significantly improve the situation. It is critical that the automotive industry is prevented from using new loopholes in the future.

Alternatives to private car ownership have been insufficiently developed. Investments in public transport and multimodal transport solutions should be increased, and more effort should be made to improve convenience for consumers (such as single ticketing, which would encourage travellers to combine different means of mobility).

What are we asking of the EU?

With zero-emission mobility (including electric cars) finally expected to take off in the next few years, public authorities should ensure that the transition is as easy as possible for consumers. Concretely, the coverage of rapid charging stations on major roads and in city centres should be expanded. Challenges to home and workplace charging must be addressed in areas where there are no convenient parking spaces. People must be able to charge their electric cars as easily as they now fuel their conventional ones. To this end, a single source of information to locate charging stations and their real-time availability – irrespective of provider – could be created. Access to these charging stations could also be improved through an interoperable charging network. Ensuring that daily activities are convenient for people, such as payment by both credit card and cash, is also important.

Consumers should also be better informed about the environmental performance of their car, the costs related to owning and running a car over its lifetime, fuel consumption and real range in the case of electric cars.

Although they offer numerous possible benefits for consumers and the environment, the uptake of connected and automated cars also generates a number of risks that must be managed in order to protect consumers and the wider society. The many challenges range from issues surrounding liability to safety, data protection, cybersecurity and interoperability. One particular issue that deserves attention is ensuring fair competition in the aftermarket, as there are increased concerns that car manufacturers will try to lock in the market and prevent independent market actors from accessing vehicle data.

What tools should the EU use?

The EU should use regulatory and legally-binding instruments to set our mobility systems on the path towards sustainability. This is particularly the case for CO₂ emissions from cars (as self-regulation was proven ineffective in the 2000s), single market issues (such as the interoperability of the recharging infrastructure for electric cars) and access to data (for which it is essential to ensure by law that the principle of fair access to in-vehicle data is respected).

Enforcement is also a very important tool, especially in the case of the response to Dieselgate. BEUC's opinion is that most of the diesel vehicles potentially affected by bans are not compliant with EU law. It is therefore the manufacturers' responsibility to either fix the problem or compensate the owners of those vehicles.

3. SECURING HEATING AND COOLING MARKETS THAT DELIVER TO CONSUMERS

Why it matters for consumers

The EU has put a lot of work into ensuring that electricity markets in particular are digitalised, decarbonised, competitive and consumer-centric. However, further action is required to improve consumer rights in other sectors, such as heating. 45% of total energy consumption for heating and cooling in the EU is used in the residential sector. There is potential to improve competition, consumer rights and protections in this area as well as to further reduce demand, increase efficiency and shift to renewable sources.

The current shortcomings

Heating and cooling are produced locally in markets that are fragmented and often lack real competition. The regulatory framework is frequently inexistent. Consumers often rely on a single provider, and therefore face barriers in actively accessing better products and services. At the same time, many consumers living in energy poverty or in vulnerable situations cannot afford these services.

District heating can improve the efficiency of the energy system and increase the share of renewable energy in heating and cooling. However, this sector is characterised by a lack of competition and regulation.

What are we asking of the EU?

Whereas tackling the obstacles to more efficient, smarter and more sustainable heating and cooling will require action at the local, regional and national levels, it should be supported by the European framework so that these services are accessible and affordable.

Consumers relying on district heating should not be left behind in the modernisation of energy systems. They should have access to a competitive market that provides for similar protections and choices as in the gas and electricity markets.

What tools should the EU use?

To facilitate the transition towards net zero greenhouse gas emissions in 2050 and to improve consumer rights and protections, the Commission should carry out an EU-wide sector inquiry taking into account the impact of heating and cooling policies on different types of households, including multi-storey dwellings. Based on this inquiry, the Commission should adopt an EU regulatory framework for heating and cooling that will foster consumer rights, enhance transparency of prices and contracts, and ensure easily accessible and independent comparison between these services. This framework should include a strategy to engage with Member States, municipalities, consumer organisations and local authorities, and the use of competition policy should also be considered.

4. MAKING THE ENERGY TRANSITION AFFORDABLE FOR CONSUMERS

Why it matters for consumers

Consumers have often borne the financial burden of the sustainability agenda through their bills for essential services, including energy. This means that the transition is being paid disproportionately by poorer consumers, which not only puts a strain on their pockets but has also led to lower acceptance of some measures.

State aid can have a significant impact on consumers' energy bills. Thus, when state aid rules setting the conditions for subsidies to support the energy transition are not applied rigorously – for instance for energy infrastructure projects and generation capacity – consumers bear the financial consequences of national energy policies and related costs. Due to the various exemptions applied to energy-intensive industries, the distribution of costs needs to be reassessed. Similarly, when subsidies are necessary to achieve sustainable goals, consumers are often not able to make use of them.

The current shortcomings

State aid can distort competition in national markets and in the EU internal market, affecting the advantages that consumers can derive from competitive markets. In the energy market, we have seen that certain actors have been exempted from (some of) the costs of the energy transition. This is

extremely worrying, particularly when poorer households and consumers pay proportionally more of the costs of the transition.

What are we asking of the EU?

The EU should ensure that the costs and benefits of the energy transition are fairly distributed, and that certain groups of consumers are not disproportionately affected. This will only be possible if consumer interests are more prominently considered when deciding what is acceptable and what is not in terms of state aid in the energy sector.

What tools should the EU use?

The European Commission should ensure that its announced update of state aid rules on energy and environment, including their guidelines and enforcement, puts consumers at the centre of the transition.

A EUROPE THAT DELIVERS JUSTICE

Although European consumers have an elaborated set of rights in principle, the actual enforcement of these rights is still to a great degree dependent on national systems and rules. Unfortunately, the current reality is such that consumers suffer from a lack of enforcement and redress in multiple situations, often due to the lack of effective tools. This needs to be addressed so that consumer rights are not just ‘paper tigers’.

- 1. A NEW CULTURE OF ENFORCEMENT CO-OPERATION BETWEEN DIFFERENT SECTOR AUTHORITIES AT NATIONAL AND EU LEVEL**
- 2. MAKING REDRESS WORK SMOOTHLY FOR CONSUMERS**
- 3. MAKING EVERY RIGHT ENFORCEABLE**
- 4. AN EU ‘DRIVING LICENCE’ FOR FINANCIAL FIRMS**

1. A NEW CULTURE OF ENFORCEMENT CO-OPERATION BETWEEN DIFFERENT SECTOR AUTHORITIES AT NATIONAL AND EU LEVEL

Why it matters for consumers

More and more businesses trade throughout the whole of the EU, or at least in more than one country. The digitalisation of trade, as well as the rise of online trade, makes it easy to reach consumers in multiple EU countries. The flip side of the coin however is that widespread infringements and mass harm are also rampant.

Despite the fact that these market developments are a logical consequence of the Single Market, enforcement activities in the European Union are mainly undertaken at national level and are accordingly restricted to national borders. This means that consumer protection is fragmented across the EU: while some consumers are well protected by their authorities, others are left exposed to unfair or illegal commercial practices.

Even within national borders, some infringements fall into the jurisdiction of several authorities. Still worse, in some cases no authority feels responsible. To effectively respond to those cross-sector infringements, authorities must have a cross-sectoral enforcement approach and close co-operation. On top of that, there is often little or no co-operation between public authorities and consumer associations.

The current shortcomings

Enforcement limited to national borders is not an adequate response in the case of widespread infringements, as it leads to consumer discrimination in countries with weaker enforcement. It may also create forum shopping opportunities for unfair traders aiming to establish themselves in countries with weak enforcement. Only in a very few sectors, such as personal data protection for example, do the European data protection boards of national authorities have clear rules and procedures that can lead to Europe-wide enforceable decisions.

Consumer associations are on the front line to help and advise consumers when their rights are infringed. They are often the first to hear about acute breaches of consumer rights, and are equipped with a wealth of information. In many countries, unfortunately, public authorities and consumer associations do not sufficiently co-operate or share information.

The review of the Consumer Protection Cooperation Regulation, which will become applicable on 17 January 2020, contains only weak provisions to foster co-operation between authorities and consumer associations. It also does not ensure the possibility of issuing one enforcement decision across the EU, particularly if there is disagreement between the public authorities.

Even where the EU legislation provides new rights for consumers, or foresees more co-operative enforcement procedures, there is the risk that Member States will not implement the legislation on time or will not allocate the necessary resources for enforcement activities.

What are we asking of the EU?

The European Commission should promote co-operation mechanisms between different sector authorities for scenarios both at the national and cross-border EU levels.

The European Commission must promote co-operation between Member States in existing authorities' networks as well as in areas where no EU enforcement network has yet been established. Furthermore, co-operation between authorities and consumer associations must be stimulated.

The European Commission must act as a strong watchdog for EU treaties, launching infringement procedures where necessary.

What tools should the EU use?

European networks of enforcement authorities in all areas (consumer protection, data protection, product safety and market surveillance, competition, financial services, etc.) should be encouraged to co-operate closely, also with consumer associations, in the development of strategies to address cross-sectoral or cross-border infringements. This co-operation should also trickle down to the national level. Joint meetings and workshops could be organised to foster these practices.

2. MAKING REDRESS WORK SMOOTHLY FOR CONSUMERS

Why it matters for consumers

The EU consumer law framework is one of the most advanced in the world. Unfortunately, too many consumers are not able to benefit from their rights: possibilities for redress are often still burdensome. This makes consumers distrustful – both of markets and of their rights – and pessimistic in general about solving problems at EU level.

The current shortcomings

With the implementation of the EU Directive on Alternative Dispute Resolution (ADR) for consumers, consumers in all EU countries can turn to new national ADR bodies when they have a dispute with a trader. Such ADR processes could be advantageous to consumers as they are usually simpler, quicker and much cheaper than litigation. However, in many countries ADR processes are based on the voluntary participation of traders. This could lead to situations where a consumer approaches the ADR body with the hope of resolving a dispute, but the trader declines to participate. This is generally very frustrating for consumers, who may then abandon their attempt to receive redress.

Furthermore, not all cases can be solved through ADR. In mass harm situations, courts are much better placed to address complicated issues concerning legal damage. Unfortunately, only a few EU countries currently have workable national collective redress procedures. We hope that the European Commission's 2018 proposal for representative actions will resolve this situation. Yet even then, launching collective cases is often too expensive or too financially risky for those entities that have the legal standing to do so.

Competition infringements also often result in direct financial harm to consumers. However, the current EU Directive on private damages does not foresee the possibility of collective action to claim those damages. Only a couple of Member States allow for such collective action at the national level. The scope of the current proposal for a directive on representative actions does not include competition. Since consumers are ultimately most affected by anticompetitive behaviour, we propose that the resources saved from Member States' contribution to the EU budget as a result of EU competition fines could be at least partially directed towards the promotion of European competition and consumer policy. The work of consumer representatives promoting a culture of compliance and enforcement could also be supported in this manner.

What are we asking of the EU?

When consumers go to an ADR body after failing to resolve a dispute with a trader, they should not leave without an outcome simply because the trader does not want to get involved in the process.

When consumer associations lack the funds to bring a case of EU relevance (either in terms of geographical coverage or if the interpretation of EU law is at stake), they should qualify for help from a European fund.

When companies break competition law and the result harms consumers or the economy, consumers should be able to go to court collectively and receive compensation.

The European Commission should kick off a discussion with Member States about how they can contribute to the promotion of competition and consumer policy through programmes supported by the resources they saved as a result of the reduction of Member States contributions to the EU budget from EU competition fines.

What tools should the EU use?

The EU should revise the ADR Directive, indicating in which sectors ADR should be made mandatory (where consumers are most vulnerable), or what measures could be taken by Member States to encourage traders to get involved (e.g. the condition to become a member of a trade association, easier administrative requirements for the registration of a company, etc.).

A special EU fund should be created where consumer associations or other qualified entities can apply for project funding to launch collective actions at EU level.

In a future review of the Directive on private damages actions, the European Commission should propose the possibility for consumer organisations to bring collective action in the case of competition law infringements.

3. MAKING EVERY RIGHT ENFORCEABLE

Why it matters for consumers

If consumers are told that they have rights, they also expect to be able to use them effectively. When this does not happen they may become frustrated and lose trust in the regulation, the market and even in society.

The current shortcomings

In the past, the EU has not considered how European legislation will be enforced after it is adopted, nor how consumers will access remedies. Following the implementation of legislation, this was traditionally considered as the job of EU countries. Unfortunately, there are huge divergences among enforcement and access to justice for consumers in different EU countries.

What are we asking of the EU?

The Commission should look into the possibilities for enforcement and redress in connection with each new consumer right, and include specific proposals where relevant. Enforcement and compliance should become part of the 'life cycle' of a piece of EU legislation and should be evaluated accordingly. In this way, enforcement and possibilities for redress should be part of the European Commission's Better Regulation programme.

What tools should the EU use?

When drafting or evaluating legislation that affects consumers, the EU should include questions and pay specific attention to consumers' access to justice, redress and enforcement in impact assessments, REFIT exercises and legislative evaluations.

4. AN EU 'DRIVING LICENCE' FOR FINANCIAL FIRMS

Why it matters for consumers

Currently, financial firms can obtain licenses in any Member State and then sell their products and services in other EU countries through a national branch or online distribution. This is called 'passporting'. In such cases, the supervisory authority of the firm's home country is authorised to oversee its activities, while the host authority (the country where the firm effectively operates) has limited power. The EU passporting model totally fails to consider the consumer perspective. Financial firms have an incentive to get their EU passport in a country with lax supervision so that they can slip under the supervisory radar in their pan-European activities.

The current shortcomings

The EU passporting model does not take the consumer perspective into account. Financial firms have an incentive to get their EU passport in a country with lax supervision so that they can slip under the supervisory radar in their pan-European activities. BEUC has witnessed examples of the resulting consumer detriment. For example, during the Icelandic bank crisis, consumer savings were endangered as the respective roles of the home and host authorities were unclear.²⁰ Another example is the targeting of EU consumers by providers of complex and highly risky investment products established abroad.²¹ And very recently an insurance company passported in Cyprus went bankrupt, leaving nearly 200,000 Bulgarians without car insurance.²²

What are we asking of the EU?

The EU should initiate an overhaul of the passporting concept and replace it with the 'EU driving license' concept: financial firms would still get their license in one country but would be supervised by the host authorities (where the firm effectively operates) as far as conduct and consumer protection responsibilities are concerned.

What tools should the EU use?

- An investigation on how passporting affects financial consumer protection in the EU should be conducted.
- It should be clarified through horizontal measures (guidelines, interpretative notes) that competent authorities of the host countries are fully in charge of supervising the conduct of firms operating under passporting arrangements (freedom of establishment, freedom to provide services).

Europe as a role model for good governance

Consumer policy is a horizontal policy. It must be integrated within many other common policies, as the previous sections have demonstrated. It also needs to be integrated into other cross-cutting strategies of the European institutions, such as the Better Regulation Agenda or the research, innovation and investment programmes.

1. **BETTER REGULATION**
2. **A RESEARCH, INNOVATION AND INVESTMENT AGENDA THAT PROMOTES SOCIALLY-VALUABLE INNOVATION**
3. **A STRONG AND SUSTAINABLE CONSUMER MOVEMENT IN THE EU**

²⁰ <https://publications.parliament.uk/pa/cm200809/cmselect/cmtreasy/402/402.pdf>

²¹ <https://www.telegraph.co.uk/finance/personalfinance/investing/11670772/Are-Britons-unwittingly-investing-in-poorly-regulated-European-investment-firms.html>

²² <https://www.reuters.com/article/bulgaria-insurance-olympic/bulgarian-regulator-quits-amid-outcry-over-insurance-company-idUSL8N1VC1LF>

1. BETTER REGULATION

Why it matters for consumers

Transparent policy and law making, effective and efficient EU legislation based on high levels of protection, timely implementation at the national level, and good enforcement are all essential in order to ensure that European consumers can fully benefit from the Single Market and trust in Europe's economy, society and democracy. EU legislation is essential, not only for opening markets for business but also in providing the necessary protection, information and redress tools to consumers.

Greater transparency of EU decision making, another focus of the current European Commission Better Regulation Agenda, is essential for generating and maintaining people's trust in our democracies. It is also crucial to ensure balanced input into the law-making process and its preparatory phase, for example by ensuring that European Commission expert groups are balanced and have the correct mandate.

The current shortcomings

Better regulation was a priority for the Juncker Commission, which presented its Communication on better regulation for better results in May 2015. This was complemented by two communications in the autumn of 2017, and another on subsidiarity and proportionality in 2018.

Whilst everybody agrees that unnecessary administrative burdens through EU legislation should be reduced or altogether avoided, the shift of the institutional discourse from an 'administrative' to a 'regulatory' burden is problematic. A focus on reducing 'regulatory burden' as promoted by the European Commission's Better Regulation Agenda risks giving too much importance to avoiding legal compliance costs for businesses whilst neglecting the positive impacts of legal protection and empowerment, which are necessary for people's trust and well-being. Although three and a half years after the launch of this agenda the number of Commission proposals that would actually reduce consumers' rights is small, it has enabled procrastination in protective EU policy areas (such as food, health, chemicals, product safety and security).

What are we asking of the EU?

Most importantly, the European Commission should change the concept and narrative of the Better Regulation Agenda to turn it into a positive initiative that acknowledges and promotes the values of EU legislation rather than questioning them. The scopes of the new Better Regulation and REFIT agendas should be broader, and they should improve EU legislation and not only reduce regulatory burdens. The primary objective of better regulation should be to look at how the objectives of EU legislation can be fulfilled and how to make necessary improvements for people.

REFIT reports often provide for a wealth of interesting research and new information. And although these reports often illustrate important legislative shortcomings, the European Commission's follow-up action is often very limited. The Commission should make better use of REFIT reports in order to improve the effectiveness of legislation.

Regarding public consultations, we welcome the clear increase in opportunities for stakeholders to express their views. However, the way in which many consultation questionnaires measure the effectiveness of EU legislation is unbalanced. For example, with regard to the achievement of legislative objectives, they look mainly at ways to achieve burden reduction. More efforts must be made to ensure a balance of interests in European Commission expert groups and the good use of the work of such experts. A clear and meaningful mandate is a pre-condition.

The European Commission and its institutions should not use any digital services or operational tools for collaboration, document sharing, meeting organisation, communication and so forth that do not comply with European legislation. For example, in line with the recommendation of the EDPS (European Data Protection Supervisor), the European Commission should not use services that are not compliant with European data protection legislation.

What tools should the EU use?

The EU needs a renewed better regulation policy and internal guidance for coherent policy approaches. The Secretariat General should have a contact point and procedure to deal with complaints by stakeholders about governance.

The organigramme and internal procedures of the European Commission should reflect the need for all services to take into account consumer interests in the roll out of their policies.

Regular checks should be performed to secure a balanced representation of consumer and business interests in the EU policy-making process and with expert groups.

2. A RESEARCH, INNOVATION AND INVESTMENT AGENDA THAT PROMOTES SOCIALLY-VALUABLE INNOVATION

Why does it matter for consumers?

Many of the research, innovation and investment priorities within EU programmes are highly relevant for consumers. The objective to boost EU research and innovation has the potential to deliver many consumer benefits when well designed, in terms of access to health solutions, consumer-friendly digital transformation, sustainable lifestyles and strong infrastructure.

The current shortcomings

The focus of current EU research, innovation and investment policy is set on promoting economic growth and the competitiveness of EU industry. There is a strong need for more attention to consumer concerns, needs and expectations: innovation holds many promises for consumers and society, but without consumer trust, it will not deliver to the people.

The EU research agenda rightly has a clear focus on innovation, but there is a lack of systematic engagement with consumer representatives both in the agenda setting of research, innovation and investment programmes, as well as in their management, implementation and monitoring.

As a consequence, too many of the initiatives fall short of including consumer-specific dimensions into the programmes and projects that they fund, such as the behavioural conditionalities of the societal transformations that these projects intend to promote.

What are we asking of the EU?

Innovation is a key enabler of consumer welfare. The EU should accordingly set the benefits for consumers and society as one of the central pillars of its research, innovation and investment policy. In this context, the EU should build in safeguards and conditionalities to ensure that public funding of projects always delivers to the public interest.

New conditionalities should also be introduced to guarantee public return on new health technologies, studies and findings that derive from projects funded under Horizon Europe.

As the EU should boost the systematic inclusion of the consumer perspective in EU-funded projects, it should also proactively address the challenges linked to the limited resources available for consumer representatives to feed into these processes.

What tools should the EU use?

The EU should urgently prepare a roadmap on how the EU programmes will overcome barriers to civil society and citizens engagement, in line with its analysis as expressed in its proposals for the next Multiannual Financial Framework 2021-2027.

The EU should establish management structures and procedures that guarantee impactful participation of civil society representatives in all stages of the decision-making process. This includes both within the research, innovation and investment programmes (agenda setting, management, implementation, monitoring, evaluation), as well as within the different projects that will be allocated. Specific resources should be made available to this end.

In the area of health, the Horizon Europe programme should in particular spell out the condition that publicly-funded medical research is conducted according to public health needs through an inclusive priority-setting process, with a saving effect on the pricing of the medicinal innovation that would flow from such projects.

A two-step approach, in which projects are shortlisted on the basis of less exhaustive proposals, should be more systematically introduced to address the lack of civil society involvement in individual project proposals due to the high complexity of the selection process.

3. A STRONG AND SUSTAINABLE CONSUMER MOVEMENT IN THE EU

Why does it matter for consumers?

EU legislation has provided for a solid framework of consumer rights: the present document demonstrates the need to complement and better enforce those rights so that they are adapted to new developments and don't just remain on paper. However, consumer organisations have an important role to play in ensuring that consumers are aware and able to exercise their rights. These organisations are key stakeholders in the well-functioning of markets in that they inform and raise awareness among consumers, and effectively represent and defend them in case of problems.

The current shortcomings

The financial difficulties and lack of legitimacy faced by consumer organisations are not new, and depending on the countries in which they operate, they could even be deteriorating. This has major implications of different dimensions: in the countries where consumer organisations are struggling, consumers cannot count on their independent information and assistance activities. National policy-makers do not benefit from their input when it comes to adopting regulations or strategies that have consumer implications. And policy-making is impacted even at the EU level, as the national policy-makers that contribute to EU decision making will not be in a position to accurately reflect their national consumer perspective.

In an era of digital disruptions, markets develop in a way that becomes less and less transparent to consumers. More fundamentally, basic concepts of the free market economy, such as free consumer choice and self-determination, are threatened. Policy-makers have not given enough attention to the implications of these developments on consumer well-being.

What are we asking of the EU?

As stated in its proposal for a 2021-2027 Multiannual Financial Framework, the European Commission should live up to its intention to work closely with Member States to support national consumer organisations. We ask the European Commission to continue to acknowledge the legitimacy and added-value of consumers organisations in society; to provide strategic financial support for the

development of independent consumer organisations, and to continue to support these organisations at EU level.

Consumer policy should also be effectively considered as an integral part of all other common policies, as set out in the Treaty on the Functioning of the European Union.

It is key that the EU acknowledges in its market strategies the increasingly important role of consumer organisations to act as intermediaries. In an era of digital disruption, obscure data and AI, trusted consumer organisations can assist consumers in managing their lives.

What tools should the EU use?

- Making EU funding under different programmes available for national consumer groups will be key in contributing to their sustainability and the diversification of their sources of finance.
- Programmes should be available that promote research and development of applications to ensure that consumers and their representatives can make the best use of the new technologies to defend and promote their interests.



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