

2009

BEUC ANNUAL REPORT



A word from the President



European consumers have continued to pay a high price throughout 2009 as a result of the financial and economic crises.

The exit strategy from this situation requires legislative measures to make financial markets safer and more transparent, but at the same time it should be an opportunity to make important, deep and lasting changes to guarantee a sustainable economy and a fair society for the future.

European consumers have seen very few steps forward in that direction so far.

The international financial sector, who were to blame for the crash 2007/2008 and the disastrous effects throughout the world, have prevented the simplest reforms, considered indispensable and urgent by many governments and citizens. Restrictions in the use of more dangerous financial products and increased and more effective powers to financial market authorities at international level, are just two examples of where these financial institutions have done their best to block reforms.

The purpose of national governments and European institutions must not only be to deal with saving banks in crisis, but their efforts must also be devoted to making financial markets, and the whole economy, more responsible, reliable and transparent.

What will be the consequences of the global crisis on consumer behaviour? Will it amount to less purchasing power because of lack of resources and smaller salaries or a more critical approach to goods and services? Will consumers only pay attention to the price of goods, or will they also take note of quality and sustainability of their choices? In short, will the crisis result in a weaker and poorer consumer, or in a consumer that is stronger, more demanding and critical?



BEUC, as clearly demonstrated in its headlines in 2009, concerning strategic issues as consumer contracts, digital rights, financial services, health and energy, is fighting for the second option.

Today more than ever, a consumer policy at European level is a tool to affirm the general interest and rights of all citizens to a safer world and to a better quality of life.

Paolo Martinello
Altroconsumo, Italy

Introduction by Monique Goyens

2009: an exciting year of transition



2009 was an exciting year of transition for BEUC.

The vast changes at the European Parliament and European Commission, particularly in terms of new personnel, have provided many new challenges for consumer organisations, but also many new opportunities in terms of once again highlighting consumer priorities for Europe's decision makers.

We were able to engage with many candidate MEPs whilst asking them to sign up to the EP Consumer Pact. More than 300 candidates signed and nearly 100 of those who signed the Pact were indeed elected. This has given us an excellent starting point for making ourselves known to many MEPs – never any easy task with so many lobbyists in Brussels. After the elections, we had the opportunity to exchange views and priorities with the Chairs of the most consumer relevant Committees in the European Parliament.

New Commissioners have also been directly contacted by our secretariat, not only to congratulate them for their appointment, but also to provide them with the “Consumer Book”, which summarizes our requests and expectations on the initiatives the Commission should take during its mandate in order to promote the consumer interest.

Second, we were able to upgrade our cooperation with our members by fully implementing the new headline strategy that provides for policy teams that are set up both by policy experts from the secretariat, but also by experts from our member organisations. Cooperation with our members, therefore, is now better than ever.

Finally, the move to our new premises not only constituted a logistical transition, but also, more fundamentally, a transition towards a more central and more efficient working environment. Our new premises are the reflection of what BEUC wants its corporate image to be: bright, transparent, efficient, and professional.

Monique Goyens - Director General

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Highlights

BEUC has covered many issues in the past 12 months with some notable successes in the following areas:

- ★ Our successful campaign on the proposal for a Consumer Rights Directive in which we campaigned very hard in order for EU institutions to take the necessary time for an in-depth analysis of its implications on consumer rights in every Member State.
- ★ Our campaign to ensure that the internet users will not be disconnected without due process when suspected of illegal downloading or uploading (amendment 138 of the Telecom Package on 'graduated response').
- ★ The entry into force of the regulation on sms and data roaming that improved substantially the situation of consumers when using those services in another EU country than that of their residence.
- ★ The launch of the EP Consumer Pact was a great success with more than 300 candidates for the European Elections signing it, of which nearly 100 were elected.
- ★ The Commission adopted a recommendation on Radio Frequency Identification (RFID) technology that thoroughly reflects consumer concerns.
- ★ The competence on cosmetics, medicines and medical devices was moved from DG ENTERPRISE to DG SANCO, after many years of campaigning by consumer organisations.
- ★ The organisation of our first multi-stakeholder forum: "Consumer Privacy and Online Marketing: market trends and policy perspectives" attended by more than 150 interested stakeholders and addressed by 2 European Commissioners.
- ★ The EU institutions were persuaded to take consumer concerns into account when revising European pharmaceutical legislation.
- ★ Our successful awareness raising campaign of the problems consumers will face with regard to the Single European Payments Area (SEPA).

Institutions and other stakeholders: building up sound relationships

Presidency and Council

In March, a BEUC delegation together with our Swedish Member, The Swedish Consumer Council, met with the Secretary of State for Integration and Gender Equality in Stockholm to present a memorandum setting out eight key consumer priorities for the Swedish Presidency of the EU. We updated the memo for the incoming Spanish Presidency, and together with our Spanish member organisations OCU and CECU, met with Mrs Etelvina Andreu Sánchez who is "Directora General de Consumo y Atención al Ciudadano" under the Ministry for Health and Social Policy.

European Parliament

We developed and launched, with our members, the 'Consumer Pact' project ahead of the European elections in June. The 'Pact' set out key priorities for consumers over the coming years and 8 'Commitments' to which candidate MEPs could sign up to online. As part of the project, we produced brochures and leaflets in 22 languages, together with a website (www.consumerpact.eu). It was another way for us to voice consumer priorities within the EU decision making process. It can be considered a great success with more than 330 candidates signing the Pact, of which nearly 100 were elected.

We have again worked closely with the Parliament, briefing MEPs and suggesting amendments on key issues. As well as liaising individually with MEPs, in particular rapporteurs, shadow rapporteurs, group spokespeople and their assistants, we have organised a number of successful events in or with the Parliament including a briefing over lunch with assistants working on the Consumer Rights Directive and group action, a public event in the EP on the Commission proposal on information to patients hosted by 2 senior MEPs and an expert meeting in the EP on the Commission proposal on pharmacovigilance hosted by the rapporteur and the shadow rapporteurs from different political groups.



As of September 2009, once the Committees in the new Parliament started work for the new legislature, we met with the chairs of the most relevant committees as well as with other key MEPs.

BEUC is most grateful to all the MEPs and their assistants who made these events possible and who have worked in support of consumers' interests.

European Commission

Our President, Paolo Martinello, and our Director General, Monique Goyens, met with President Barroso to discuss a wide range of issues affecting consumers, not least group action, pharmaceuticals, food and the Consumer Rights Directive. BEUC has continued to maintain good relationships with Commissioners, their cabinets and officials within the European Commission. We were delighted to welcome Commissioner Kuneva not only to our General Assembly in April but also to our new offices where she and her staff joined us for a stimulating and fruitful lunch. We also were pleased to welcome Commissioner Reding, long a consumer champion, to our housewarming event in September. Both Commissioners Kuneva and Reding addressed our forum on 'Consumer Privacy and On-line Marketing' in November. We also met Commissioner Kroes on private damages actions.

We met the Commissioner designate for Health and Consumer Affairs, Mr Dalli, as soon as he was appointed, and had an initial exchange of views on the various elements of his forthcoming portfolio.

We also prepared the 'Consumer book – a guide for European Commissioner towards a more consumer friendly Europe' and sent it to all appointed Commissioners to inspire them for their mandate.

Common campaigns with our members

During 2009, we have engaged in a number of joint campaigns with our members which required close and strong co-operation, such as the preparation of the EP elections and the launch of our 'Consumer Pact'. This has given rise to a lot of common work in order to establish the content of the brochure and of the website, but also to combine the common version with the national specificities that had to be built into each national brochure. Intensive

cooperation with members took also place with regard to our campaign on the proposal for a Consumer Rights Directive, as well as on group action. As a response to the financial crisis, we have been able to work closely with our members in order to define a common strategy as to the way forward from the consumer perspective. A very intensive and coordinated campaign was also organised with regard to the release of the slimming pharmaceutical ALLI as an over the counter (OTC) product. As a result of our campaign, the European Medicines Agency decided to adapt the safety information regarding ALLI in the package leaflet and in the summary of product characteristics.

Dialogue with other stakeholders

We have worked closely with other consumer bodies including our sister organisation, ANEC - the voice for European consumers in standardisation, our colleagues at Consumers International (CI) and at International Consumer Research and Testing (ICRT) - and with the Trans Atlantic Consumer Dialogue (TACD).

We have increased our contacts with a wide range of other stakeholders and developed much more coalition building on policy specific areas, such as food information (European Heart Network, European Public Health Alliance), the pharmaceuticals package (European Public Health Alliance), SEPA (with the creation of the End-Users Committee with Eurocommerce, EACT, UEAPME, CEA and FAEP) and the Consumer Rights Directive (BusinessEurope, Eurocommerce and UEAPME).

Transatlantic Consumer Dialogue

As members of the Transatlantic Consumer Dialogue (TACD), we took part in the Advisory Group of the Transatlantic Economic Council (TEC), the framework for cooperation on trade, economic and regulatory issues.

In June, TACD celebrated its 10th anniversary with a conference: "10 years of TACD – The importance of strong consumer participation in transatlantic trade relations. Key issues to address and the way forward". On 10 June, BEUC and TACD jointly organised a conference on Regulating Nanotechnology in Food and Consumer Products: Developing A Consumer-focused Transatlantic Approach.



Multi-Stakeholder Forum 2009

BEUC organised, for the first time in its history, a self-financing multi-stakeholder forum entitled: "Consumer Privacy and Online Marketing: market trends and policy perspectives". Entirely organised by BEUC staff, the forum can be considered an overwhelming success. We were fortunate enough to welcome Commissioners Kuneva and Reding, who both made keynote speeches, and received participants from all over Europe and beyond.

EU working groups

BEUC has taken part in many formal consultative processes including the Commission's European Consumers Consultative Group (ECCG) and its sub-groups on competition, energy, financial services and the monitoring of the consumer movement. In total we have seats in almost 80 working groups within various Directorates-General of the Commission.

Policy areas

Consumer Contracts

Consumer Rights Directive: institutions take their time over implications for Europe's consumers

The proposed Consumer Rights Directive, adopted by the Commission in late 2008, has the potential to shape consumer policy for decades to come. BEUC expressed many reservations with the Commission's proposal. Much of the work in 2009 was spent explaining to stakeholders and decision makers many of the potential consequences of the Directive. In spite of the initial wish of the Commission to have the proposal adopted by the European Parliament before the elections in June 2009, we were able to raise awareness among decision makers on the fact that there was a major need for clarification of scope and we provided examples to illustrate the negative impact that the proposed Directive would have had in many Member States. We initiated a dialogue with other stakeholders (BusinessEurope, Eurocommerce and UEAPME) in order to explore, in a coordinated way, issues of common concern. This dialogue, still ongoing in 2010, has been very much welcomed by EU decision makers, both at Commission and at EP level.

Digital Rights

Copyright and fair use: no disconnection from the internet without due process

Although the 3rd Telecom Package covered a wide range of areas, much of the focus and hype surrounded what became known as 'amendment 138'. This safeguarded internet users' right not to be cut off from their internet connection in case of suspected copyright infringement, without due process. This was a great victory for consumer organisations across Europe.



Privacy and security: consumer privacy high on the policy agenda

The protection of consumer data has remained a constant priority throughout 2009. In the areas of Radio Frequency Identification (RFID), on-line marketing, and on-line data protection, BEUC and its members have maintained to keep the issue front and centre (for more details on BEUC's multi-stakeholder forum on consumers' privacy and on-line marketing, see page 12).

Mobile phone roaming: sms roaming prices under control

In 2009, maximum retail prices roaming charges for sms services were finally regulated by the European Commission. For BEUC, this was the natural extension of the Roaming I regulation of voice calls and was warmly welcomed. While regulation on data roaming has also been initiated in this context, it is limited to informing the consumer of prices at wholesale level i.e. between operators and does not provide for a cap on retail prices, i.e. prices for consumers.

Financial Services

Consumer protection in the midst of the financial crisis

As the effects of the financial and economic crises continued to reverberate around Europe, consumer organisations had to spring into the policy debates in order to raise awareness among EU decision makers that consumers, oft-forgotten as victims of the crises, need to be better protected in many areas of financial services such as consumer information, supervision, aggressive marketing practices and unfair charges by banks.

Switching bank accounts: banks set to give consumers the tools to be active market players

Consumer organisations were associated in the monitoring of the adoption, by the European Banking Industry Committee, of the common principles intended to ensure easier switching of bank accounts by consumers. While this meant a lot of meetings with the banking sector in hectic financial times, and can be considered to have been successful, BEUC will be monitoring in 2010 whether the principles have effectively been implemented by the banking sector in EU Member States.

Towards a consumer friendly SEPA

Many aspects of the Single European Payments Area (SEPA) were identified as at best costly for consumers and at worst unsafe and open to fraud. Despite the failure of the banks to take these key consumer concerns into account, BEUC has successfully alerted several European institutions to take notice of the situation.

Food

Food information: giving consumers the tools to make informed and healthy choices

BEUC continued to push for improved food information and labelling throughout 2009, despite fierce opposition from large sections of the food industry. Legible and complete information with the 8 key nutrients and transfats should be on the back of pack complemented by an easy to understand and simple colour coding system on the front of pack with the levels of fat, saturated fat, sugar and salt all indicated. The country of origin of the main ingredients should also be included on the packaging. The European Parliament is set to vote on its plans for this in mid-2010. BEUC, together with the likes of the European Heart Network and the European Public Health Alliance, continued to promote this position to external audiences throughout the course of the year.

Nutrient profiles

BEUC heavily criticized the draft proposal for nutrient profiles, which sets thresholds for products which can bear a nutrition or health claim. This proposal is not in line with the objectives of the Regulation. The European Commission has since delayed the publication of its final proposal for the development of nutrient profiles until the new Commission is in place. We were pleased that the European Food Safety Agency decided, despite heavy pressure from the food industry, to publish its opinion on health claims.

Novel Food: nanofood to be tackled

The European Commission's novel food legislation was greatly improved so as to include clearer definitions of engineered nanomaterials, and the inclusion of cloned and offspring of cloned animals in the legislation.



Group Action

Collective redress: need to shift debate away from obsessive comparison with the US to compensation for victims

BEUC continued to press for the establishment of a European wide tool for consumers who have suffered damages to group together in court. Developments in this area have been frustratingly slow, with the Commission deciding to postpone the adoption of the proposal for a Directive on Private Damages Action until further notice. Nevertheless, BEUC has continued to keep the issue high on the agenda, having met with President Barroso to discuss the issue, and has been particularly vocal in the press regarding the importance and urgency of the issue. Our main concern was to turn the debate away from the never ending discussions concentrated on the obsessive fear of US-style class action in order to devote attention to the positive instruments to enable victims to obtain compensation.

Health

Pharmaceuticals and medicines: shift of competence to DG Health and Consumers warmly welcomed

We finally succeeded in shifting the competence of pharmaceuticals from the European Commission's DG Enterprise to the DG responsible for Health and Consumers. This will ensure that the views of consumers and public health campaigners will be better heard in the decision making process.

Information to patients: consumer unfriendly proposal remains blocked within EP and Council

BEUC continued in 2009 to actively campaign in order to raise awareness among the Member States authorities and MEPs about the risks linked to the adoption of the proposed Directive, in terms of allowing pharmaceutical companies to advertise directly to consumers under the guise of 'patient information'. BEUC's position is backed by the Council, where many Member States are opposed to the proposal, and has been further endorsed by the European Economic and Social Committee and the Committee of the Regions. This has been the result of extensive engagement by BEUC staff, e.g. speaking at European Parliament events,

quotes in the media, and joint letters to the European Commission with the likes of the European Public Health Alliance, European Pharmacists Association (PGEU), European Nurses Federation (EFN), European Elderly People Platform (AGE), European Aids Treatment Group (EATG), and Health Action international (HAI).

Pharmacovigilance

In terms of the supervision of medicines after they have been put on the market, otherwise known as pharmacovigilance, many consumer protection provisions have been included in the draft Directive. In particular, safety and the identification and reporting of side effects directly to the competent authorities. BEUC's support of the directive was shared by multiple committees of the European Parliament and the progress report of the Czech Presidency. Again, this was the result of far reaching actions such as the organisation of an event in the European Parliament attended by a wide range of MEPs, and regular contact with the Parliament's rapporteur and shadow rapporteurs.

Counterfeit Medicines

Counterfeit medicines are at best ineffective and at worst lethal. The European Commission's proposals on these matters include higher safety standards and stronger quality control along the whole medicines supply chain. The European Parliament shared many of BEUC's concerns in this area and again was mirrored in the Czech presidency's progress report. BEUC met many MEPs and officials on this issue in 2009 and the efforts clearly paid off.

Sustainability and Energy

Smart metering & smart grids: the need to prevent Big Brother in your homes

BEUC joined the European Commission's Directorate-General for Energy's task force on smart grids and smart meters at the end of the year. We also spoke at various events on smart meters to make sure the roll-out of smart meters and smart grids is consumer friendly and takes into account a number of privacy requirements.



Energy labelling and energy efficiency: consumer needs in fight against climate change only partially taken into account by the EU

BEUC has been campaigning very actively in order to prevent the European institutions from changing the successful and long established A-G system of labelling. Although we were not successful in the end, we were pleased that the European Parliament resisted the attempts to change the system in May 2009 when objecting to the Commission's proposal to introduce new labelling classes such as A-20%. We were more successful in our request to see the next eco-design regulations extended to include not only energy-using, but also energy related products.

Sustainable consumption and production: signs of promise for outcomes of the Retail Forum

BEUC welcomed the launch of the European Retail Forum (RF) in March, and participated in its works as observer. The Forum was created by the European Commission in 2008 as part its Action Plan on Sustainable Consumption and Production with a view to promoting sustainable consumption. We were happy to see that the RF issue paper on energy efficiency of stores that was issued in September 2009 reflected some of our concerns and recommendations. We also welcomed the fact that new retailers and NGOs joined the RF in the course of 2009 whilst an ad hoc working group was set up to develop an issue paper on marketing and effective communication – one of the most relevant issues for consumer organisations.

Consumers and COP 15

Consumers need to be given the tools to participate in the fight against climate change. BEUC carefully prepared its participation in UN Climate Change Conference that was held in Copenhagen (COP15) in December. Ahead of our participation in the Consumers International (CI) delegation, we developed together 6 joint policy positions on housing, labelling, transport, voluntary actions, emissions trading schemes and food.

Eco-label to remain a scheme of environmental excellence

Together with some major environmental NGOs, BEUC lobbied hard to ensure that the new Eco-label Regulation remained a scheme of environmental excellence. BEUC and the European Environmental Bureau (EEB) published a joint study on the sustainable use of chemicals in products highlighting the use of the European Eco-label as a signpost. We were happy to see that the new regulation reflects the precautionary principle and maintains third-party testing. In addition, provisions on dangerous chemicals are more stringent. We also welcomed the requirements laid down in the regulation in terms of coordination with the Eco-design Directive. More generally, BEUC lobbied hard to raise EU decision-makers' awareness of the need for more coherence between various environmental labels.

Greenwash in the energy sector: prevent misleading green electricity offers

BEUC strived to raise decision-makers' awareness regarding the need to tackle misleading green marketing and product advertising, and consumer confidence in the environmental impact of the 'green' electricity offers they subscribe to. To this end we participated in the E-track workshop for consumer organisations in March. E-track is a project aimed to provide a detailed insight into the tracking of electricity. We arranged several meetings with the Commission to ensure misleading green claims be included as a priority in the preparation of its guidelines on the implementation of the Unfair Commercial Practices Directive.

BEUC communication and campaigning

In 2009, we have added and revamped several new campaigning tools to our already existing tools. Our publications during the year included a revamped general brochure reflecting our new priorities, the Consumer Book – a guide for European Commissioners towards a more consumer friendly Europe, a leaflet on nanotechnology, the Consumer Pact, and a postcard with contact details of our various policy teams to give to interested stakeholders.

BEUC was quoted over 500 times over the year and took part in nearly 100 broadcast interviews, the latter being a significant increase on last year. It is important to note that it is very difficult to be exhaustive, not only because of the explosion of news websites, but also because of the difficulty of tracking national media that have picked up our press activities through the major agencies. We were quoted on almost 80 different topics, notably on toy safety, information for patients, food issues, and the Intel case.



Training

TRACE programme

Within the TRACE training project, 10 training courses were organised and run in 2009 covering courses in the field of Management, Consumer Law and PR & Lobbying. In October 2009, the TRACE team gave a presentation on the outcome of the TRACE programme to Ms. Jackie Minor, Director of Consumer Affairs at DG SANCO.

Training for Consumer Organisations in the Balkans

In March 2009, BEUC welcomed the invitation to give a training session to consumer organisations and governments officials at the TAIEX workshop “Building up effective Consumer Organisations” (People-2-People programme) in Belgrade organised by the Directorate-General Enlargement (DG ELARG) in co-operation with the Directorate-General for Health and Consumers (DG SANCO). The workshop aimed to enhance capacity building in the Western Balkans and Turkey.

As a follow-up, BEUC together with DG Enlargement and DG SANCO organised the People-2-People conference “Management and Strategy for Successful Consumer Organisations” in Ankara in October 2009. The workshop was attended by the same participants as in Belgrade and provided them with expertise in the field of financial capacity building to professionalise their organisations. A third workshop to conclude the cycle is envisaged to take place in Skopje, Macedonia, in June 2010.

Training for the Commission

In January 2009, BEUC organised two training sessions for staff from DG Internal Market on the “Consumer Perspective on Single Market Issues”. The aim was to help DG Market staff to understand the approach of consumer organisations and how to integrate consumers’ needs in DG Market’s policy-making process.

BEUC internal matters

General Assembly

Our General Assembly met on 28th-29th April in Lisbon hosted by DECO, our Portuguese member. We welcomed Commissioner Kuneva and together discussed the Consumer Rights Directive. The General Assembly also met in Brussels on 13th November.

The General Assembly has agreed that we should increase our effectiveness by investing more of our joint resources in the areas identified by all as key for consumers, and where we can make a real difference in policy outcomes. This means that we cannot take up all of the many invitations that we receive to respond on a wide range of issues, but it will enable us to manage our limited resources as well as we can to the benefit of Europe's (almost) 500 million consumers.

New members welcomed

BEUC welcomed TEST, our new Czech member, at our General Assembly in April. We also welcomed the Financial Services Consumer Panel of the UK's Financial Services Authority as a new BEUC partner organisation.

The consumer movement in the new Member States

We continue to support the capacity-building of consumer organisations in the new Member States. TRACE, or Training Courses for Consumer Empowerment, is an important element of this. We have now trained over 1200 representatives of consumer organisations from all over the EU, EEA and an increasing number of candidate or potential candidate countries such as Croatia, FYR Macedonia, Turkey and Serbia. We continue to develop more new courses providing in-depth knowledge for advanced participants, thus further extending our range of training topics on a permanent basis. For 2010, new courses are envisaged focusing on Writing Project Proposals, Competition Law and Financial Services.

BEUC was also involved in various TaieX-funded training initiatives focusing on consumer and other civil society groups from the candidate and potential candidate countries. We continue our work with International Consumer Research and Testing (ICRT) on building capacity to conduct

comparative product test and publish results either in magazines or on websites. The general quality of most of the articles and publications has improved; this can be seen in the cases of Slovenia, Czech Republic, Romania, and Poland.

BEUC has continued to provide the Secretariat for the Consumer Law Enforcement Forum (CLEF), which brings together 16 consumer organisations, eight of which are from new or accession states. This is part of a three year project with Commission funding to empower consumer organisations and to help them to play their part in making sure that EU consumer protection rules are effectively enforced in their country, particularly in the new Member States. The project, which ended in 2009, has provided for an interesting forum for consumer advocates to exchange expertise and experiences and has already given very concrete results, such as coordinated injunctions actions against several airlines companies initiated by Test Achats (BE), DECO (PT) and UFC Que-Choisir (FR).

New Premises

We were delighted to move to new premises in February. Our new offices, situated much closer to the headquarters of the EU institutions, have greatly increased our efficiency and flexibility for dealing with decision makers. We celebrated the move with a housewarming party in September, where more 150 people attended including BEUC members, Commissioner Reding, MEPs, journalists, officials from the various EU institutions, as well as other stakeholders.

Who's who at BEUC in 2010

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