



Conclusions of BEUC & dTest conference

Promoting cooperation by enforcers and consumer organisations for more effective enforcement of consumer rights: pragmatic suggestions on the way forward

On 15 April 2016, [BEUC](#), the European Consumer organisation, and its Czech member [dTest](#) organised a conference on how to boost the cooperation between consumer organisations and national authorities in order to better enforce consumers' rights and promote vibrant marketplaces. The present document summarizes the key recommendations that were discussed on that occasion.

Context

Although legislation to protect consumers is quite elaborated, we know that the situation on the ground can be improved, especially when it comes to the implementation of EU law and the effective enforcement of rights. This is mainly the responsibility of national authorities, whose collaboration with consumer organisations is far from being fully exploited: in some Member States, the contacts are good and beneficial to both partners, but can also be challenging. In other countries, they simply do not exist. When such major market actors share similar objectives and work globally for the consumers' interest, resources are gathered for better intelligence, identification of priorities and better handling of infringements. Therefore, joining forces should not be simply seen as a nice option but rather as a key factor to strengthen our trust in competitive and fairer markets.

Key recommendations

- ***Get rid of defensiveness!*** According to many conference participants, a change of mind-set is sometimes required to engage into cooperation rather than competition. Consumer organisations and national authorities should give it a try and look at what they can bring to each other: consumer groups are in daily contacts with consumers and they can provide a real world picture of which issues much be tackled. They have insight, data and experience to prioritize enforcement actions. They also score high in terms of credibility¹. In times of budgetary constraints for all parties, teaming up should therefore be regarded as an interesting opportunity. On a same note, when there are several consumer organisations in a single country, they should try to coordinate their messages while public authorities should also consider getting away from the "silo" approach: in parallel to reaching out to the consumer movement, consumer and competition authorities, energy and telecom regulators, privacy enforcers, product safety authorities could and should talk more to each other, both at national and at EU level, for addressing global challenges².

¹ Cf. Consumer Scoreboards which address among others the consumer trust in different bodies and the resources affected by authorities to consumer affairs

http://ec.europa.eu/consumers/consumer_evidence/consumer_scoreboards/index_en.htm

² Indeed our markets are developing into cross-sectoral business models, where internet companies will sell energy services, energy companies will sell home insurances, cars will be connected, with major implications on consumer privacy and car insurance...

- ***Start with a meeting, even informal!*** There are many ways to promote cooperation but it has to start somewhere and a simple coffee can sometimes have more impact than a long-planned multistakeholder forum. In this respect, consumer organisations could be proactive and should not hesitate to ask their national authorities for a meeting to present them with a report, be vocal about a project idea or suggest solutions to a consumer problem. It costs nothing to listen and if both parties are curious enough to get to know better the priorities, challenges and working methods of the other, a contact is already established. For a proper dialogue to take place, it just requires to identify a contact person on each side who, through their regular communication, start an informal cooperation.
- ***Start small!*** There is no need to immediately aim for fully-fledged cooperation agreements. Pilot projects can be run, more coordination can be gradually set up, the importance being to build and maintain trust. A step-by-step and focused approach can for example start with a simple exchange of information on agendas, consumer complaints or court cases and then lead to common gathering of evidence, common media campaigns or research which are nowadays too often entrusted to external companies turning anyway to consumer advocates. Once tested, the cooperation could also take the form of joint statements calling for more consumer centric markets³ or to the systematic involvement of consumer experts in hearings, working groups, ADR bodies, etc.
- ***Build trust!*** Investing in complementary rather than competitive initiatives can save time, lead to a better allocation of human and financial resources but it implies mutual respect of each party's mission and acceptance to disagree on certain issues. One should build on achievements and learn constructive lessons from less positive experiences.
- ***Formalise!*** Once the preliminary steps have been successful, it is crucial to expand the cooperation beyond the persons who have initiated them, in order to guarantee the sustainability of the process. This can have a light touch (regular meetings at management and at operational levels, exchanges of documents) before being more structured or institutionalised in formal protocols and partial alignment of working priorities.

While shared initiatives often find their source in staff talking to each other, encouragement from senior management but also political signals from policy makers, be it at EU and national level, could strongly contribute to a more proactive roll out of such collaborative schemes. By gathering the public authorities of the 28 EU Member States, the Consumer Protection Cooperation (CPC) network⁴ can make a huge difference in market surveillance and in the fast treatment of cross-border or pan-European infringements. To be more effective, it should however be much more open to multipliers like consumer representatives. The review of the CPC regulation bears a window of opportunities for them and the pooling of their resources.

BEUC and its members will strive to promote initiatives that facilitate these steps in the EU countries where room for improvement has been identified. Consumer organisations are aware that they have a major role to play in developing enforcement dialogues with their respective authorities. This needs expertise that might not be developed enough in some Member States, and especially in Central, Eastern and South Eastern Europe. There the challenges confronting the sustainability of the consumer movement stretch far beyond the topic of this conference, but will need to be creatively addressed to enable this major watchdog function to be rolled out extensively as a support for the overall enforcement environment.

³ Cf. Joint statement from CEER and BEUC on a common 2020 Vision for Europe's energy customers

http://www.ceer.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Customers/Tab3/CEER-BEUC%202020%20VISION-joint%20statement_Long_v161014.pdf

⁴http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/consumer_protection_cooperation_network/index_en.htm