



Spanish Presidency of the European Union

BEUC priorities
2023





**Spanish Presidency
of the European Union**

BEUC priorities
2023

Table of contents

Introduction	2
SUSTAINABILITY	5
Ecodesign for Sustainable Products Regulation	5
Substantiating green claims	7
Euro 7 standards for cars, vans and heavy-duty vehicles	8
Initiative on rail ticketing	9
ENERGY	11
Energy Performance of Buildings Directive	11
Electricity Market Design	12
Gas Directive and Gas Regulation	14
DIGITAL RIGHTS	16
Artificial Intelligence Act	16
Cyber Resilience Act	18
ePrivacy	19
GDPR cross-border procedural harmonisation	21
INTERNATIONAL AFFAIRS	22
Customs reform	22
EU-US cooperation agenda	23
World Trade Organization e-commerce negotiations	24
Trade agreements with Australia	26
FOOD	27
Food information to consumers	27
Framework law for a Sustainable EU Food System	28
Promotion policy for agricultural products	29
HEALTH	31
EU general pharmaceutical legislation	31
European Health Data Space	32
SAFETY	34
Classification, labelling and packaging of chemicals	34
Cosmetics and toys	35
FINANCIAL SERVICES	37
Digital euro project and the future of cash	37
Payment Service Directive 2	38
Retail Investment Strategy	39
Open Finance	40
CONSUMER RIGHTS	42
Empowering consumers for the green transition	42
Common rules promoting the repair of goods	43
Product Liability Directive and AI Liability Directive	44
Better protection of passengers and their rights	46
Package Travel Directive	48
ENFORCEMENT AND REDRESS	49
Consumer Alternative Dispute Resolution	49
Public enforcement of consumer protection rules	50
Collective redress and support for qualified entities	51



Introduction

The European Consumer Organisation (BEUC) is the umbrella organisation for 45 independent consumer organisations in 31 European countries. Our mission is to represent and promote consumers' interests to EU decision makers in all consumer-relevant areas that match our members' strategic priorities.

Our Spanish member organisations are Asufin, CECU and OCU.

As the 2024 European elections are drawing closer, **the Spanish Presidency will be the 'last chance' Presidency of this mandate. It will play an important role making progress on or finalising in time several pieces of legislation that will fundamentally shape the future for European consumers. This is particularly relevant in the case of energy, financial and digital markets.** And with the climate crisis as a backdrop, we have high hopes that this Presidency will wrap up important Green Deal legislative files. These priorities must be dealt with in a way that improves everyone's lives.

Numerous other legislative and non-legislative files of relevance to consumers will also be on the Presidency's agenda. In this Memorandum we outline concrete proposals for how the Council of Ministers, together with the European Parliament, should legislate to achieve a high level of consumer protection and empowerment.

We would like to draw your particular attention to the following initiatives:

- **‘Empowering consumers for the green transition’ and ‘Green Claims’ Directives:** Together, both proposals must ensure that green claims and labels are robust and trustworthy. The ‘Empowering’ proposal is a step in the right direction but still requires some improvements. The recently proposed Green Claims Directive would protect consumers from unverified claims and require companies to substantiate claims before they can be made public and put on the market.
- **Ecodesign for Sustainable Products Regulation:** The proposal to revise and broaden the scope of the existing Ecodesign Directive needs to make sustainable and durable products the norm by setting stronger requirements at the design stage. Stronger measures are needed in terms of market surveillance and responsibilities of online marketplaces.
- **Directives on energy efficiency, renewable energy, electricity, gas, buildings performance:** The revision of several key pieces of legislation under the ‘Fit for 55’ legislative package must strongly enhance the ability of consumers to switch to more sustainable heating and cooling systems.
- **The Artificial Intelligence Act:** Consumers must benefit from artificial intelligence rather than be exposed to new risks. The proposed Regulation must be improved to protect consumers from economic harm and discrimination caused by commercial uses of AI. Consumers must have a strong set of rights and access to effective remedies and redress mechanisms in case of harm, including collective redress.
- **The Product Liability and the AI liability Directives:** A modernisation and further harmonisation of the EU’s civil liability rules to be better suited for the digital era is urgently needed. These initiatives must ensure that consumers suffering harm from a defective product and/or AI system have access to justice and redress in practice.
- **The Cyber Resilience Act:** This important new legislative proposal must ensure that connected products and associated services are secure by design and by default.
- **The European Health Data Space:** Consumers must be in full control of their health data. The proposed Regulation must ensure that health data is strongly protected while enabling its use for healthcare services and health research in the public interest.
- **The EU’s general pharmaceutical legislation:** Consumers in Europe face barriers when trying to access medicines they need to get healthier. Often, medicines are unavailable at the pharmacy or not reimbursed because their high prices put a strain on public health budgets. We must urgently improve access and availability of medicines and therefore need to address significant market failures.
- **The Retail Investment Strategy and legislative reform:** The EU should ban the payment of financial inducements to financial advisers to avoid conflicts of interest and so ensure consumers get appropriate and unbiased advice and can choose the financial products best suited for them.
- **The Consumer Enforcement Package:** The EU framework for Alternative Dispute Resolution (ADR) for consumers must be improved as there is evidence that ADR has failed to fully take off in Europe and the rules also need to take account of recent technological developments. In parallel, the Consumer Protection Cooperation network and the coordination of national enforcement authorities must be strengthened to address cross-border infringements of consumer protection rules.

- **Transport initiatives ‘Better protection for passengers and their rights’, ‘Multimodal Digital Mobility Services’:** In September, the Commission is due to propose a package of proposals on public and long-distance transport which must make multimodal travel safer and more convenient for consumers, with easier booking/ticketing and stronger protection regarding service disruptions for instance.
- **The Payment Services Directive 2:** Consumers are increasingly exposed to all sorts of online payment fraud so that it is becoming very difficult for them to know whether a transaction is legitimate or not. The review of the Payment Services Directive 2 offers a unique opportunity to develop a strong consumer protection framework against these practices, including on banks liability.

We urge you to facilitate progress on these and other initiatives mentioned in this Memorandum, with the aim of delivering clear benefits to European consumers.

We wish Spain a most successful Presidency.

Monique Goyens
Director General

Arnold Koopmans
President



SUSTAINABILITY

1

Ecodesign for Sustainable Products Regulation

Why it matters to consumers

Consumers want to buy more sustainable, durable and repairable products since this is better both for the environment and their pockets. Unfortunately, this is difficult today as the sustainable option is generally the exception. To reverse this situation, the EU must put in place regulatory measures to set strong sustainability and durability criteria for manufacturers to apply from the design stage of products.

State of play

In March 2022, the **European Commission** presented the Sustainable Product Initiative (SPI) which includes an ambitious proposal to replace the Ecodesign Directive (the proposed Ecodesign for Sustainable Products Regulation – ESPR). In the **European Parliament** ENVI is the responsible committee, while IMCO and ITRE provide opinions. While ITRE and IMCO committees voted in March and April, the vote in ENVI is planned in June. In the **Council** of Ministers, the Competitiveness Council is responsible for this file and adopted a General Approach in May 2023.

Recommendations for the Presidency

BEUC calls on the Spanish Presidency to support and swiftly adopt the European Commission's ambitious proposal to ensure that more sustainable products become the norm on the market.

What consumers need

- To ensure the Commission can extend Ecodesign requirements to almost all products - which would highly benefit consumers - it is essential they are provided with the necessary resources in terms of budget and staff.
- The development of meaningful Ecodesign Regulations must be accelerated:
 - Product groups, such as textiles or furniture, must be prioritised based on their environmental impact and on potential benefits for consumers. Moreover, voluntary agreements must no longer be allowed, as they often take a long time to be adopted and their level of ambition is too low.
 - The Commission must speed up the development of horizontal requirements applying to several product categories at once, including on durability, repairability and software update availability for digital and connected products.

- The destruction of unsold goods must be prohibited (including returned and repairable ones), especially for sectors where this practice is commonplace (e.g. textiles and electronics). This ban should be complemented with measures that facilitate second-hand transactions and donations.
- When the European Commission addresses a product group, it must look at the possibility to develop criteria for both Ecodesign and the EU Ecolabel. The EU Ecolabel must continue to be a step ahead and ensure its criteria reflect environmental excellence, while Ecodesign instruments must determine the minimum level of sustainability of products.
- The new Ecodesign Regulation must include strong enforcement and market surveillance tools and make online marketplaces liable for non-compliant products sold on their platforms, including products from third-party sellers.
- Consumers must have the possibility to access individual remedies for cases of non-conformity with Ecodesign requirements. To make this happen, there must be a better link between Ecodesign and the relevant consumer rights instruments (i.e. the Sales of Goods Directive, the Unfair Commercial Practices Directive and the Collective Redress instruments). The Ecodesign implementing measures must systematically introduce durability requirements that serve as the basis for establishing legal guarantee periods for more durable goods.

ADDITIONAL SOURCES

Ecodesign for sustainable products regulation – key points for consumers
Position paper
[BEUC-X-2022-083](#)

Durable and repairable products: changes needed for a successful path towards the green transition
Position paper
[BEUC-X-2021-061](#)

Making more sustainable products the new normal: consumer recommendations for a meaningful EU sustainable product initiative
Position paper
[BEUC-X-2021-075](#)

Prompt: testing products to promote longer lifetime
Factsheet
[BEUC-X-2020-063](#)

2

Substantiating green claims

Why it matters to consumers

Consumers' growing interest in making sustainable purchases has led to a rise of green claims and labels, which are not always reliable or accurate. With 3 out of 4 products carrying an environmental claim, the confusion and lack of trust concerning environmental information among Europeans is a real barrier to achieving the green transition. To prevent greenwashing, information displayed on products must be reliable, comparable and verifiable.

State of play

In March 2023, the **European Commission** published its proposal for a Directive on Green Claims. The Proposal will be discussed in the **European Parliament's** committees for Internal Market and Consumer Protection (IMCO) and Environment (ENVI), as well as in the Council's Environment and Consumer Protection Working Party. Political discussions in both the **Council** and in the Parliament should start in June.

Recommendations for the Presidency

BEUC strongly supports the Commission's goal to end greenwashing and verify claims before products make it into the market. As such, BEUC calls on the Spanish Presidency to quickly launch discussions on the proposed Directive on Green Claims, to achieve coherence with the Empowering the Consumers for the Green Transition Directive. Both pieces of legislation must, in combination, ensure that green claims and labels are robust and trustworthy. Due to the short timeline before the 2024 European elections, the Council should quickly adopt a common approach and start trilogue discussions with the European Parliament.

What consumers need

- A holistic picture of the environmental impact of products. The Directive rightly sets minimum criteria for the assessment methods to substantiate claims. Although the proposal offers flexibility to use different methodologies in different sectors, the use of Product Environmental Footprint Category Rules (PEFCR) should be mandatory where PEF is scientifically relevant to measure the environmental footprint of products (e.g. household appliances).
- Faster EU harmonisation of specific requirements for claims (e.g. related to biodegradability, recyclability). The Commission should establish a priority list of specific claims, where requirements need to be further specified.
- A ban on "carbon neutral" claims, as they are scientifically inaccurate. Even with the purchase of carbon credits, a product will continue to emit CO₂ emissions. There should be guarantees that green claims are backed by robust evidence building on the principle of 'no data, no claim'. Companies must be transparent on the data substantiating their claim.

- Claims must be verified before they can be made public and put on the market to protect consumers from unverified claims. Strong enforcement processes and penalties must dissuade companies from making unsubstantiated claims.
- A robust governance process to enable Member States and stakeholder involvement in the regulation of green claims. The rules for substantiating and communicating claims should be developed in an inclusive and transparent process that involves civil society.

ADDITIONAL SOURCES

Getting rid of greenwashing - Restoring consumer confidence in green claims
Position paper
[BEUC-X-2020-116](#)

Getting rid of greenwashing - Restoring consumer confidence in green claims
Factsheet
[BEUC-X-2020-115](#)

3

Euro 7 standards for cars, vans and heavy-duty vehicles

Why it matters to consumers

Since the 2015 Dieselgate affair, consumer organisations from the BEUC network have strived to obtain redress for the millions of impacted consumers. Yet lawmakers need to do more to reduce car emissions and protect consumers' health wherever they live. Stricter standards are necessary, also for electric vehicles which will become the go-to choice for many consumers. What's more, when at the dealership, consumers should be able to trust what lies behind the 'Euro' standard of each vehicle and be confident that their car respects emission limits.

State of play

The [European Commission](#) published its Euro 7 proposal in November 2022. Both the [Council](#) and the [European Parliament](#) are planning to adopt their respective positions by October 2023.

Recommendations for the Presidency

We recommend the Spanish Presidency to continue the negotiations and ensure the Council adopts a General Approach before starting the trilogue negotiations with the European Parliament.

What we need to succeed

- Emission limits for NO_x and PM must be lower than the levels proposed by the Commission. Stricter limits are technically feasible at reasonable cost as the impact assessment showed. Limits for brakes should be stricter before 2035, and a methodology for tyres' emissions should be swiftly established at UN level.
- Cars must comply with stricter emission limits for a longer period before applying a “deterioration factor” which is a gateway for legal insecurity, failed tests and poorly functioning emission control systems for consumers, especially those buying second- or third-hand. Durability requirements for batteries are essential for consumers switching to electric vehicles. Information on battery degradation must be properly passed on to consumers, including those buying second-hand.
- The creation of categories of EURO 7 (A, G, +) is detrimental for proper consumer information and would negatively influence their choice. In the Commission proposal, they apply independently of the powertrain, create loopholes and do not guarantee that a car would actually drive seamlessly across Europe and cities.
- Enforcement of the legislation needs to be strengthened and more power should be given to national authorities and independent organisations to conduct random testing and to share intelligence for example.
- The Environmental Digital Passport is an interesting addition but the way it is communicated to consumers needs to be properly defined.

ADDITIONAL SOURCE

Ambitious air pollutant emissions standards for cars
A consumer checklist
[BEUC-X-2022-006](#)

4

Initiative on rail ticketing

Why it matters to consumers

Consumers often have difficulties finding, comparing and booking multimodal and train tickets. This has to change if the EU really wants travellers to make more multimodal, and especially train, journeys. When looking for a train ticket or an integrated ticket, consumers must have access to all relevant information, including on prices, ancillary services, schedules, connections and delays. They also need better protection against delays and cancellations when travelling using different transport modes for the same journey.

State of play

The **European Commission** is expected to present a legislative proposal in the second quarter of 2023 to tackle these issues and promote multimodal digital mobility services (MDMS). This proposal is also due to include existing provisions applicable to aviation as part of the Computerised Reservations Systems Code of Conduct.

Recommendations for the Presidency

BEUC calls on the Presidency to prioritise this proposal and advance the negotiation as much as possible, with the objective of adopting the proposal before the end of the Parliament's mandate in 2024.

What we need to succeed

- Transport operators must share the data with transport service providers and open up their booking system to allow for the emergence of new multimodal services for consumers, such as integrated tickets.
- Contractual relationships and data sharing between the different market players must be established under fair conditions determined by EU law, with strong enforcement mechanisms.
- Consumers must have access to different transport options in a neutral way or based on their preferences. Self-preferencing (of booking platforms owned by a transport operator for example) must be forbidden.
- Liability mechanisms for stakeholders involved in ticketing and booking in case of disruptions or delays must be set up by an EU Regulation.
- The MDMS initiative should also be pursued hand in hand with the Better Protection of Passengers and their Rights initiative. People must benefit from core passenger rights when travelling multimodal regardless of the type of contracts they conclude (information, re-routing, care and assistance, compensation).

ADDITIONAL SOURCES

Mind the gap – Making the multimodal journey the easy journey
Position paper
[BEUC-X-2023-032](#)

European Year of Rail 2021 – make rail more attractive, convenient and accessible to passengers
Letter
[BEUC-X-2020-051](#)

Proposal for a European Year of the Rail 2021 – BEUC's proposals to move towards a consumer-oriented rail system
Position paper
[BEUC-X-2020-041](#)

For more information: sustainability@beuc.eu



ENERGY

1

Energy Performance of Buildings Directive

Why it matters to consumers

Not only are poorly insulated homes bad for the environment, but also more and more consumers want to combine what is good for their wallet and for the planet. Heating, and increasingly cooling, are a huge part of consumers' household budget and millions of consumers struggle to keep their homes warm or cool. This is why the retrofitting of our building stock is essential. It will benefit the planet – by cutting emissions – and consumers' wallets – by reducing household expenditure on energy bills. The revision of the Energy Performance of Buildings Directive is an opportunity to address these challenges, helping consumers to renovate their homes and to start making savings on their energy bills.

State of play

In December 2021, the **European Commission** proposed a revision of the Energy Performance of Buildings Directive. The **Council** reached a general agreement under the Czech Presidency. The agreement is weaker than the Commission's proposal on several key aspects for consumers. The **European Parliament** adopted its position in April 2023. Trilogues started at the beginning of June.

Recommendations for the Presidency

BEUC calls on the Spanish Presidency to support Europe's effort to decarbonise its buildings by 2050. We therefore encourage the Presidency to facilitate and advance discussions in the Council to speed up renovation and ensure consumers can enjoy comfortable and healthy homes.

What consumers need

- Energy Performance Certificates (EPCs) must be improved to give consumers useful information such as an estimate of when their heating system will reach the end of its lifespan.
- Building Renovation Passports must be user-friendly and provided both in printed and digital form. Consistency with Energy Performance Certificates is needed to avoid redundancy and unnecessary additional costs. They must provide an estimated range of costs for recommended retrofit works.
- The introduction of Minimum Energy Performance Standards should increase renovation rates and provide guidance to consumers. This measure must foresee that by 2040, all homes should at least comply with an EPC D rating. However, further improvements are needed so that consumers, including those on low incomes, can have access to the right tools.

- Financial schemes must be tailored to low-income consumers and those in energy poverty, who face difficulties to finance their home renovations. Mainstream financial offers must be made inclusive via complementary financial instruments such as guarantee funds and revolving funds coupled to grants.
- Accelerated housing renovation via one-stop-shops which will not only support consumers at every stage of their renovation projects but also help accredited installers, e.g. by referencing training, providing support to fill in administrative forms and assuming part of the marketing of renovation. Mortgage Portfolio Standards must be introduced, making it mandatory for lenders to get EPCs for the homes they wish to renovate and to improve the average rating with the work.
- The removal of barriers to installing recharging points in residential buildings is a first step towards an EU-wide “right to plug” for consumers. However, further improvements are needed especially for existing non-residential buildings.
- Dynamic Energy Building Benchmarks, which collect data on yearly energy consumption and EPC rating of multi-unit buildings, must be created to make available data and information on the multi-unit building stock. They would inform policies, programmes and heat planning. This will be useful for consumers as they will be able to visualise where their building stands compared to similar buildings in the same area.
- A “heat pump readiness” standard to let consumers know how much they should invest in their property’s insulation before it makes sense to get a heat pump. Hence, homes will be fit for the electrification of heating systems by ensuring the best return on investment.

ADDITIONAL SOURCES

Energy Performance of Buildings Directive:
key points for consumers
Communication tool
[BEUC-X-2022-019](#)

How to make Energy Performance
Certificates consumer-friendly
Position paper
[BEUC-X-2021-046](#)

2

Electricity Market Design

Why it matters to consumers

Electricity is an essential service for consumers. However, millions of households are struggling to pay their energy bills. Also, many consumers still find it difficult to understand what they are paying for, to compare alternative offers to get a better deal or how to exercise their rights when something goes wrong. In addition, several consumers are exposed to unfair practices such as unilateral price increases or contract terminations. To restore trust and to help consumers better engage in electricity markets, consumers need better rights and protection.

State of play

In March 2023, the **European Commission** proposed a revision of the 2019 Electricity Directive and Regulation. The proposal is now being negotiated by the **Council** and the **European Parliament**.

Recommendations for the Presidency

BEUC calls on the Spanish Presidency to improve consumer rights and protection in electricity markets. Consumers should have access to easy-to-understand information, should be protected against wholesale price volatility and from unfair practices, and should get adequate support if their supplier goes bankrupt. Consumers who run an electric heat pump or charge an electric vehicle should be able to opt for tailored offers and separate metering that allow them to save money and ease the grids. The electricity market reform is a chance to broaden consumers' access to affordable renewable electricity through country-wide energy sharing.

What consumers need

- Precontractual information must be much simpler and easier to understand, so that consumers are fully aware of what the contract they are signing up for entails. Suppliers should explicitly inform consumers about the contract duration and termination, whether the price is fixed or variable, and about payment modalities.
- As regards price, consumers must always have access to affordable fixed price tariffs. Unilateral price increases of fixed price contracts should be prohibited. In case of variable electricity tariffs, suppliers must be required to take appropriate steps to protect consumers from bill shocks - e.g. by advising consumers without a smart meter to increase their monthly payment to avoid a too high settlement bill.
- Consumers must enjoy appropriate protection against disconnection. There must be a ban on disconnection during the entire year both for the energy poor and for vulnerable consumers and for those who need electricity for life-supporting appliances.
- Member States must be required to appoint a Supplier of Last Resort, ensuring that consumers have access to electricity if their supplier goes bankrupt. Suppliers should comply with hedging obligations, which will prevent bankruptcies.
- All household consumers should have access to affordable renewable electricity, through energy sharing schemes, allowing them to purchase and sell electricity to each other. Consumers engaging in energy sharing must keep their basic consumer rights. National regulators should define cost-reflective network tariffs, rewarding consumers who support grid stability through their engagement in energy sharing.

ADDITIONAL SOURCES

An electricity market that delivers to consumers
Position paper
[BEUC-X-2022-111](#)

Reaping the benefits of renewables for consumers.
Position paper
[BEUC-X-2023-035](#)

3

Gas Directive and Gas Regulation

Why it matters to consumers

The ongoing energy crisis with skyrocketing energy prices impacts all consumers as they need to heat and cool their homes and move around. The best way to shield consumers from rising energy prices is to accelerate the shift to a renewable-based energy system, coupled with much stronger energy efficiency measures. While the role of gas should decrease, consumer rights and protection in the gas sector still lag behind those in electricity, whereas they should enjoy adequate rights and protection. It is important to fix this problem as millions of consumers will continue to use gas in the coming decades and they should enjoy sufficient protection.

State of play

In December 2021, the **European Commission** presented proposals to revise the Gas Directive and Gas Regulation which would *inter alia* update consumer rights and protection in the gas market. In March 2023 the **Council** adopted its General Approach and the **Parliament** adopted its position. Trilogues started on 1 June and will continue during the Spanish Presidency.

Recommendations for the Presidency

BEUC calls on the Spanish Presidency to give priority to work on the proposals. In doing so, we urge the Presidency to take account of the fact that hydrogen is not a viable option for residential heating and should be used only in sectors that are hard to electrify.

What consumers need

- Consumers must be well protected irrespective of the fuel they use. It is therefore key to mirror the rights and protection that currently exist in the Electricity Directive into the Gas Directive and, where relevant, to also improve them. Consumers should for example benefit from better precontractual information on gas supply offers and should have access to independent comparison tools covering the entire market.
- Consumer protection for vulnerable consumers and those in energy poverty must be further strengthened.
- Consumer protection must be updated with regards to digital developments in the gas sector, for instance when using new tools such as automated switching tools.
- To protect consumers from being trapped in a very expensive energy future, the Gas Directive must not promote hydrogen blending in gas grids to decarbonise heating. Hydrogen will clearly remain an expensive source of energy and will not be a suitable option for consumers' heating and cooling needs and should not be promoted for residential heating.
- System operators must be legally required to ensure investments in gas and electricity networks are cost-efficient so that consumers enjoy affordable energy bills. This is only the case when they are based on a robust and independent assessment of future electricity and gas demand.

ADDITIONAL SOURCES

Towards consumer-friendly gas markets:
BEUC's preliminary views on the
upcoming gas market package
Position paper
[BEUC-X-2021-069](#)

How to design energy comparison tools that
are fit for consumers
Position paper
[BEUC-X-2022-014](#)

How to make consumer rights and
protections in gas future-proof
Position paper
[BEUC-X-2021-068](#)

For more information: energy@beuc.eu



DIGITAL RIGHTS

1

Artificial Intelligence Act

Why it matters to consumers

Artificial intelligence (AI) is powering a whole range of new products and services, from digital assistants to autonomous cars as well as various ‘smart’ devices. All of this can bring benefits, but consumers are also at risk of being manipulated and subjected to discriminatory treatment and arbitrary, non-transparent decisions. Consumers must have strong and tangible rights that allow them to defend themselves when necessary and that empower them to reap the benefits of the digital transformation of our societies.

State of play

In April 2021, the **European Commission** proposed an Artificial Intelligence Regulation (AI Act). The **Council** adopted its General Approach in December 2022. The **European Parliament** is set to adopt its position before the summer, after which trilogue negotiations should begin during the Spanish Presidency.

Recommendations for the Presidency

We urge the Spanish Presidency to give high priority to the trilogue negotiations and conclude them as soon as possible. We urge Spain to work in favour of a strong framework so that AI systems respect fundamental and consumer rights and that consumers are adequately protected from harm.

What consumers need

- All AI systems must be properly regulated, not just those classified as ‘high-risk’ (e.g. AI systems that don’t qualify as ‘high risk’ but are relevant for consumers in their daily life such as smart meters, connected toys, virtual assistants, or AI which determines what people see on social media). The AI Act must therefore establish a set of mandatory principles and obligations for trustworthy AI, e.g. on fairness, accountability and transparency, that apply to *all* AI systems.
- The requirements for ‘high-risk’ AI systems applications should be applicable to all such systems and not be undermined by a discretion for AI users to decide if the systems are de facto high risk or not.

- The list of forbidden AI practices must be extended and strengthened to include additional harmful practices. AI practices that manipulate someone in a way that can cause them economic harm must also be covered, as well as practices that exploit vulnerabilities other than those related to age or disability. The use of remote biometric identification systems in public spaces, as well as the use of social scoring, must be banned both for public and private entities as voted for by the European Parliament.
- Consumers must have a strong set of rights and access to effective remedies and redress mechanisms in case of harm, including collective redress. In particular, the AI Act must include a right for consumers to complain to a supervisory authority and be brought into the scope of the Representative Actions Directive (RAD).
- Harmonised standards must only be used to define technical requirements, not to define or apply legal principles and fundamental rights.
- Clear and efficient governance structure and enforcement mechanisms. For example, the Commission must be able to start an evaluation procedure about an AI system under certain circumstances.

ADDITIONAL SOURCES

AI Act – Consumer safeguards missing
in Council’s compromise text
Letter

[BEUC-X-2022-120](#)

Regulating AI to protect the consumer –
Position Paper on the AI Act
Position paper

[BEUC-X-2021-088](#)

AI must be smart about our health
Position paper

[BEUC-X-2019-078](#)

Regulating Artificial Intelligence
Factsheet

[BEUC-X-2022-036](#)

Product liability 2.0 – How to make EU rules
fit for consumers in the digital age
Position paper

[BEUC-X-2020-024](#)

A consumer checklist on protecting consumers
from the risks of AI
Factsheet

[BEUC-X-2022-039](#)

Artificial Intelligence: What consumers say –
Findings and policy recommendations of a
multi-country survey on AI
Report

[BEUC-X-2020-078](#)

The limits of the AI Act and why consumers need
better protection
Brochure

[BEUC-X-2022-136](#)

2

Cyber Resilience Act

Why it matters to consumers

The number of connected devices and digital services is skyrocketing. While digitisation provides many benefits for consumers and society, the risks and challenges it brings are equally – if not more – important. Consumers expect connected products to be safe and secure. Ensuring cybersecurity keeps up with digitisation of consumer products is of utmost importance in a connected world. Cyberattacks on connected products place consumers at risk and endanger their privacy, security and even physical safety. These attacks may even lead to fraud, personality theft and financial loss for consumers.

State of play

In September 2022, the **Commission** proposed a Regulation on horizontal cybersecurity requirements for products with digital elements (the ‘Cyber Resilience Act’). The **European Parliament** and **Council** are currently working on their respective positions.

Recommendations for the Presidency

The Spanish Presidency should treat the Cyber Resilience Act (CRA) as a priority and aim to reach a General Approach that provides the highest possible level of cybersecurity protection for consumers.

What consumers need

- Mandatory minimum security requirements that are applicable to all connected consumer products and their associated services, not only high-risk products. These requirements must include:
 - Security by design and provision of security updates
 - Strong authentication requirements
 - Encryption requirements.
- A clear legal obligation on manufacturers to ensure that connected consumer products are secure by design and by default.
- An obligation on manufacturers to monitor and address security vulnerabilities which covers the entire expected lifespan of a product.
- Mandatory third-party assessment for critical products considered of higher risk, including Consumer IoT devices - such as internet routers, child-accessible devices, smart home systems and security devices.
- Strong enforcement provisions that enable national authorities to remove insecure products from the market and allow consumers to benefit from effective remedies if something goes wrong (e.g. compensation and collective redress mechanisms). In particular, the CRA must be referenced in the annex of the Representative Actions Directive (RAD) to allow the use of representative court actions by consumer organisations.

ADDITIONAL SOURCES

The Cyber Resilience Act proposal
Position paper
[BEUC-X-2023-006](#)

Protecting European Consumers in the World
of Connected Devices
Position paper
[BEUC-X-2021-091](#)

Cyber resilience act: cybersecurity of digital
products and ancillary services
Position paper
[BEUC-X-2022-051](#)

Keeping Consumers Secure – How to tackle
cybersecurity threats through EU Law
Position paper
[BEUC-X-2019-066](#)

3

ePrivacy

Why it matters to consumers

Although beneficial to consumers, digital information technologies and the emergence of new services also represent a major challenge to the fundamental rights of privacy and personal data protection. It is important to ensure that consumers can benefit from innovative online services without having to give up their privacy rights. The ePrivacy reform is essential for strengthening individuals' right to privacy and the confidentiality of communications, as well as for rebuilding and reinforcing public trust and security in the digital economy.

State of play

In January 2017, the **European Commission** proposed a Regulation on ePrivacy. In October 2017, the **European Parliament** adopted a very strong and consumer-friendly position. In February 2021, the Portuguese Presidency adopted a mandate for trilogue negotiations, which started in May 2021 and have continued under the Slovenian, French, Czech and Swedish Presidencies.

Recommendations for the Presidency

We urge the Spanish Presidency to swiftly conclude the trilogue negotiations. The new Regulation must not result in a lower level of protection compared to the existing ePrivacy Directive and the General Data Protection Regulation (GDPR).

What consumers need

- Electronic communications must be confidential. Over-the-top services (OTTs) such as Skype and WhatsApp must be duly covered by the Regulation. In line with the European Parliament's position, it should not be possible to process electronic communications data under broad legal grounds such as for 'legitimate interests' or 'compatible purposes'. Whereas the processing of metadata without prior user consent for statistical counting could be envisaged, this must be subject to strong safeguards and strictly limited to purposes of public interest.
- Default settings in devices and software must be configured to provide the highest level of privacy protection, in line with the European Parliament's position. An obligation to simply provide information about the privacy settings would undermine the 'data protection by design and by default' principle enshrined in Article 25 of the GDPR.
- The behaviour and activities of users must not be monitored without their consent, and they must have access to digital services without being forced to accept unnecessary invasions of their privacy, as stated in the Parliament's position.
- Users must be able to mandate NGOs to represent their interests, and NGOs must be able to take initiatives whenever users' rights have been breached, in line with the European Parliament's position.

ADDITIONAL SOURCES

ePrivacy Regulation: Recommendations for trilogue negotiations
Position paper
[BEUC-X-2021-106](#)

Consumers caught in a tracking web
Infographic
[BEUC-X-2017-102](#)

ePrivacy
Letter to Permanent Representations in Brussels
Letter
[BEUC-X-2020-109](#)

ePrivacy
Factsheet
[BEUC-X-2017-090](#)

Open letter to EU member states from consumer groups, NGOs and industry representatives in support of the ePrivacy Regulation
Letter
[BEUC-X-2019-056](#)

Proposal for a regulation on privacy and electronic communications (ePrivacy)
Position paper
[BEUC-X-2017-059](#)

4

GDPR cross-border procedural harmonisation

Why it matters to consumers

The EU's General Data Protection Regulation (GDPR) seeks to guarantee people's fundamental right to the protection of their personal data in an effective way. However, the disparity, complexity, imbalance between parties and inefficiency of some national legal procedures is making it very hard for consumers, and the organisations defending them, to exercise their rights under the GDPR in an effective way and to get companies to comply with the law. This is leaving consumers exposed to companies profiting from exploiting their personal data across Europe.

State of play

The **Commission** is expected to present a proposal during the summer to harmonise certain procedural aspects in the handling of cross-border complaints under the GDPR.

Recommendations for the Presidency

The Spanish Presidency should give priority to this proposal so as to reach a General Approach in the **Council**.

What consumers need

- Mutual recognition by national data protection authorities of the admissibility of complaints and of the possibility of data subjects' representation in cross-border complaints. The admissibility of a complaint and the standing of consumer organisations or other NGOs representing data subjects should only be reviewed once, by the Data Protection Authority (DPA) receiving the complaint.
- Equal procedural rights for all parties involved in a procedure. Data subjects and organisations representing them should have the same right to be heard and same access to the file as defendants do. DPAs must ensure that the exercise of their discretionary powers to carry out own-initiative investigations does not undermine the rights of the complainants and/or result in delays.
- Efficient cross-border cooperation between Data Protection Authorities. This must include concrete and reasonable deadlines to adopt decisions, and regular and close cooperation duties from the beginning of a procedure following the principles of sincere cooperation, good administration and mutual assistance.

ADDITIONAL SOURCES

BEUC's recommendations on harmonising cross-border procedural matters in the GDPR Consultation response
[BEUC-X-2023-034](#)

The Long and Winding Road - Two years of the GDPR: A cross-border data protection enforcement case from a consumer perspective Report
[BEUC-X-2020-074](#)

For more information: digital@beuc.eu



INTERNATIONAL AFFAIRS

1

Customs reform

Why it matters to consumers

A significant proportion of household appliances, clothes, toys and food come from outside the EU. International e-commerce is causing these imports to grow rapidly. While consumers may think all imports are safe and comply with EU standards, the reality is more complicated. BEUC members have found a significant inflow of non-compliant, dangerous and low-quality products coming into the EU. In addition, EU law requires traders to inform consumers of the total cost of an order, at the time of purchase. However, consumers are sometimes asked to pay extra import fees when their packages arrive at their doorstep.

State of play

The **Commission** proposed in May 2023 to reform EU customs policy. The proposal will now be negotiated by the **Council** and the **European Parliament**.

Recommendations for the Presidency

This reform is of outmost importance to better protect consumers from dangerous and non-compliant products in the Single Market. We call on the Spanish Presidency to facilitate the adoption of an ambitious position of the **Council**, which should retain the consumer protections included in the Commission's proposal and complement it where necessary.

What consumers need

- Well-resourced customs authorities: To fulfil their mission, they need more financial and human resources. Training resources should be available as well as efficient IT tools to support their work.
- Effective cross-check of products between authorities: We need customs authorities to exchange information through a common data hub. They should also better work together on site and be trained jointly.
- Safe and compliant imports: we call on the Council to preserve the concept of 'deemed importer' as it could contribute to improving the enforcement of EU law, including safety and sustainability.
- No more surprise import fees: the concept of deemed importer would also ensure that consumers do not have to pay extra customs duties or fees at the time of delivery. However, this would only apply to purchases via online marketplaces. We call on the Presidency to ensure that consumers are informed of the total cost of their purchase by any foreign trader, including custom duties and fees.

2

EU-US cooperation agenda

Why it matters to consumers

Consumers could benefit from a fairer and safer transatlantic market. Encouraging regulators on both sides to talk to each other can lead to better decision-making. Such talks could lead to joint actions by EU and US regulators against market issues such as dangerous products sold online, greenwashing or buy-now-pay-later schemes.

State of play

In June 2021, the EU and the US officially launched a new cooperation agenda following their bilateral summit. This takes the form of many dialogues between regulators, including the Trade and Technology Council, the informal consumer dialogue, and the taskforce for energy security. Some, though not all, of these workstreams have featured public declarations and/or meetings.

Recommendations for the Presidency

We call on the Spanish Presidency to ensure that the **European Commission** sets up a clear overarching governance for the dialogues. This should prevent them from running in different directions on overlapping topics (such as digital affairs). Secondly, we recommend the Presidency urges EU institutions to proactively communicate about the dialogues' ongoing discussions and deliverables, while enabling civil society to give input on a continuing basis.

What consumers need

As the EU has done for trade negotiations, it must define a governance policy for its cooperation with the US. This policy must:

- Deliver to consumers: consumer protection and welfare are the overarching objectives of the cooperation. We specifically welcome the informal dialogue on consumer protection led by DG Justice on the EU side. At the same time, discussions on consumer-relevant themes in other dialogues should not run counter to the deliverables of this consumer protection dialogue.
- Be transparent and involve civil society: the public must be aware of what is discussed on their behalf. Regular consultation must be organised for the whole cooperation agenda. The Trade and Technology Council's 'Futurium' makes a start at this. Such consultation should be the case for all the dialogues and enable civil society to give substantive input. Consumer groups should be involved in the development of the consumer dialogue.
- Strive towards a fair, safe and just digital society. The cooperation should work towards a digital transformation that puts people at its centre. The EU should promote its digital legislation to inspire US policy developments.
- Put in place safeguards to prevent any regulatory 'chilling effect'. This means that the cooperation must be used as a tool to find common solutions to common problems, rather than used to prevent either side from regulating.

ADDITIONAL SOURCES

The consumer perspective on the joint EU-US roadmap on artificial intelligence
Position paper
[BEUC-X-2023-014](#)

BEUC letter to President von der Leyen on the new cooperation agenda
Letter
[BEUC-X-2020-123](#)

TACD Recommendations for the EU-U.S. cooperation agenda
TACD recommendations
[December 2021](#)

Trade negotiations and regulatory dialogues with the United States
BEUC recommendations
[BEUC-X-2019-011](#)

The Transatlantic Consumer Dialogue
Consumer Checklist for a new EU-US cooperation agenda
Checklist
[June 2021](#)

The Transatlantic Consumer Dialogue's recommendations for the EU-U.S. cooperation agenda
TACD recommendations
[December 2021](#)

3

World Trade Organization e-commerce negotiations

Why it matters to consumers

Consumers buy goods and services online every day. However, they can encounter various problems when buying from sellers located outside the EU. 87 countries in the World Trade Organization (WTO) are negotiating a new rulebook for e-commerce. This initiative must therefore aim to protect consumers and bring them benefit.

State of play

In 2019, 76 countries – including the EU Member States – announced the launch of plurilateral negotiations on e-commerce. Since then, several rounds of negotiations have taken place. A consolidated text was agreed in December 2020. Several articles have been agreed, included on online consumer protection. 2023 has been announced as the year of discussions on sensitive topics – such as algorithms and data flows.

Recommendations for the Presidency

We call on the Spanish Presidency to ensure that the outcome of the WTO e-commerce negotiations will protect and benefit consumers. As the scope is likely to go beyond e-commerce, for example covering broader digital trade issues, we call on the Presidency to exercise caution so that the EU does not put citizens' fundamental rights at risk. Sensitive issues for consumers – such as data protection and artificial intelligence – must be regulated by EU law. Consumer organisations wish to avoid that weaker levels of protection are locked into a trade agreement, which would limit the EU's ability to enhance consumer protection in the future.

What consumers need

- The negotiations must bring tangible benefits to consumers, such as more transparent and affordable telecoms prices for consumers.
- The EU must fully preserve its ability to protect citizens' personal data and privacy. The rules on data flows agreed in the EU-New Zealand trade and cooperation agreement could be used as a model for WTO e-commerce. As stressed by the European Data Protection Supervisor, the EU must use its horizontal position on cross-border data flows, data protection and privacy in trade agreements (agreed in 2018).
- The EU must ensure that WTO e-commerce negotiations do not prevent authorities from auditing artificial intelligence systems. To that end, the Commission must revise its source code discipline proposal to narrow the exception. This is key to preventing bias and discrimination, as well as to protecting people's fundamental rights.
- On net neutrality, we call on the Spanish Presidency to prevent any flexibility that would result in limiting access to the internet for EU citizens.
- The EU must prevent the inclusion of rules related to cybersecurity in this plurilateral context. It should not limit its ability to regulate on cybersecurity, nor promote self-regulation as an alternative. This is key to ensuring that connected products can be made safer for people.
- Negotiating proposals and consolidated texts must be made public so that consumers know what is being negotiated on their behalf. The EU must encourage the co-conveners of the initiative to organise public briefings in Geneva.

ADDITIONAL SOURCES

WTO e-commerce negotiations
BEUC recommendations
[BEUC-X-2019-014](#)

International negotiations on e-commerce
(digital trade) at the WTO
BEUC factsheet
[BEUC-X-2019-015](#)

Consumer and digital rights groups call
on the international joint initiative on
e-commerce to safeguard data
protection and privacy
Statement
[BEUC-X-2020-112](#)

AI regulation in the EU and trade law, how
can accountability of AI and a high level of
consumer protection prevail over trade
discipline on source code?
Study commissioned by
BEUC German member vzbv
[January 2021](#)

4

Trade agreements with Australia

Why it matters to consumers

The goal of the EU's ongoing trade negotiations with Australia is to “help to deliver jobs, growth and investment, benefitting EU businesses and citizens alike”. However, tangible benefits – such as reduced telecoms prices, prevention of geo-blocking practices and easy access to redress – are absent from current trade agreements. Consumer protection is not always guaranteed and can be undermined by tools like regulatory co-operation and investment protection if the agreements are not carefully designed.

State of play

Since the trade talks with Australia were officially launched in July 2018, many negotiation rounds have taken place. The EU has proposed ambitious rules for consumers, notably to enhance their online trust. Some proposals have already been merged into consolidated texts. BEUC understands the talks with Australia may conclude in 2023.

Recommendations for the Presidency

We call on the Spanish Presidency to ensure that the talks with Australia establish safeguards to protect consumers, and tools to bring them tangible benefits.

What consumers need

- Australia is interested to offer more transparent and affordable telecom prices to consumers travelling between the EU and Australia. The EU should explore how to bring this about in the upcoming trade agreement with Australia. Inspiration could notably come from the conditions currently extended to Ukraine on roaming under the Joint Statement by EU and Ukrainian operators on connectivity, as well as from a potential future agreement with Ukraine on roaming, as announced by the European Commission in September 2022.
- The EU needs to convince Australia of the value of its positive proposals for consumers. For instance, the EU needs to remain firm on its willingness to enhance online consumer trust in the chapter on digital trade. It should also insist on its approach to protect human health as a priority and to co-operate on antimicrobial resistance in the sanitary and phytosanitary chapter.
- The EU must ensure that its horizontal position on cross-border data flows, data protection and privacy in trade agreements remains non-negotiable. This is key to ensuring consumer trust in trade and preserving fundamental rights.

ADDITIONAL SOURCES

A positive EU-Australia trade agreement
Consumer checklist
[BEUC-X-2018-051](#)

The consumer checklist for a positive EU-Australia trade agreement
Position paper
[BEUC-X-2018-053](#)

For more information: international@beuc.eu



FOOD

1

Food information to consumers

Why it matters to consumers

Clear and comprehensive food labelling allows consumers to know what they are buying and to compare and select products easily according to their needs, preferences and interests. But today's food labels do not make it easy for consumers to spot the healthier option. They lack transparency on food origin and the composition and nutritional value of alcoholic beverages, and date marking is poorly understood by consumers.

State of play

As part of its 2020 Farm to Fork Strategy, the **European Commission** announced several legislative initiatives related to food labelling in a bid to "empower consumers to make informed, healthy and sustainable food choices". In its 2021 action plan to turn the tide against cancer, it has further announced a proposal for improving consumer information on alcoholic beverages. A proposal for a revision of the Food Information to Consumers Regulation as regards front-of-pack nutrition labelling and nutrient profiles, origin labelling, date marking and alcohol labelling was expected by the end of 2022 but has been pushed back to 2023 – albeit with no precise timeline.

Recommendations for the Presidency

We encourage the Spanish Presidency to initiate discussions on the proposal for a revision of the Food Information to Consumers law, with a particular focus on enabling informed consumer food choices.

What consumers need

- A mandatory EU-wide front-of-pack nutritional label to make the healthy choice easier for consumers. Evidence to date shows that Nutri-Score is the best-performing labelling scheme in aiding consumers to compare the nutritional value of foodstuffs.
- Mandatory country-of-origin labelling at least for milk, as well as for meat and milk used as ingredients in processed foods. Indication of the origin of fresh meat should also become compulsory in restaurants and in the food service sector.
- Nutrient profiles to prevent food that is high in fat, sugars and/or salt from claiming nutritional or health benefits.

- Mandatory labelling of the nutritional composition and list of ingredients on the bottle of alcoholic drinks.
- Clearer and more understandable date marking.

ADDITIONAL SOURCE

Revision of EU legislation on Food Information to Consumers
Position paper
BEUC-X-2022-024

2

Framework law for a Sustainable EU Food System

Why it matters to consumers

Today's EU food system is unsustainable. It both suffers from and drives climate change, pollution and waste, loss of biodiversity, and diet-related non-communicable diseases – among others. Most European consumers are open to eat more sustainably yet face barriers. They expect stronger action from both their national governments and the European Union to promote sustainable food production and consumption. The announced Framework Law for a Sustainable EU Food System (FSFS) is a unique opportunity for the EU to be a game changer and meet consumers' expectations for healthier, fairer and greener food and farming.

State of play

The **Commission** is working on the impact assessment of the FSFS, with publication of the legislative proposal expected in the autumn of 2023.

Recommendations for the Presidency

We call on the Spanish Presidency to swiftly start discussions on the FSFS proposal, with a particular focus on fostering enabling food environments that make healthy and sustainable diets the easy choice for consumers.

What consumers need

- A high-level umbrella law which sets the direction of travel and establishes some key definitions (e.g. 'healthy diet'), principles (such as 'Polluter Pays', 'One Health'), and objectives, as well as some time-bound targets. For the sake of policy coherence, existing and future EU laws and policies linked to food should be aligned with the FSFS – notably EU trade policy.
- The FSFS must embrace the concept of 'food environments' and lay the foundations for making healthy and sustainable food the most available, affordable, promoted and advertised option – notably via new minimum sustainability requirements applying to economic operators and their activities.
- The FSFS must facilitate informed choices by consumers, ensuring that information about any of the dimensions of food sustainability (nutritional, environmental, etc.) is meaningful and trustworthy.
- The FSFS should be the overarching structure guiding and coordinating action across policy areas and governance levels to achieve a sustainable food system for the EU. It should drive Member States action to complement EU-level policies.

ADDITIONAL SOURCES

Sustainable food made easy
Position paper
BEUC-X-2022-108

Towards a more sustainable food system
Factsheet
BEUC-X-2023-005

3

Promotion policy for agricultural products

Why it matters to consumers

Despite evidence of Europeans' diets not being in line with healthy eating guidelines and having major environmental impacts, the EU continues to spend significant amounts of taxpayers' money to encourage consumption of e.g. meat and alcoholic beverages. To accompany and facilitate the shift in eating habits, the EU promotion programme should be aligned with recommendations for healthy and sustainable diets.

State of play

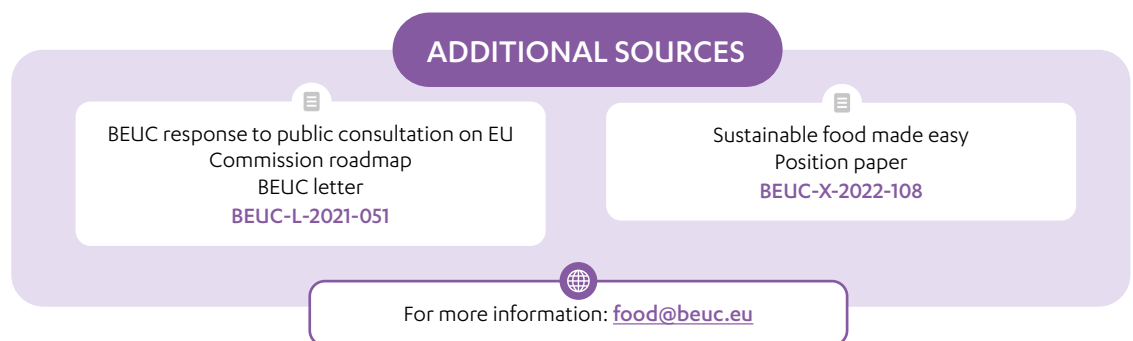
The **Commission** is undertaking a review of the promotion policy for agricultural products, with a view to bringing it more into line with the EU's Farm to Fork Strategy and Beating Cancer Plan objectives. A legislative proposal, initially due in Q1 2022, is now expected in 2023.

Recommendations for the Presidency

We call on the Spanish Presidency to swiftly start discussions on the proposal for a revision of the EU promotion policy for agricultural products, with a particular focus on consumer interests and policy coherence.

What consumers need

- The EU must stop funding promotional campaigns for products Europeans should consume less of (including meat and alcoholic beverages). Instead, funds should be redirected to promote more consumption of fruit and vegetables, but also wholegrains, pulses and other foods Europeans should eat more of.
- New conditionality requirements and eligibility criteria must be introduced in the promotion policy to ensure full alignment with the Farm to Fork Strategy and EU Beating Cancer Plan.





HEALTH

1

EU general pharmaceutical legislation

Why it matters to consumers

Consumers in Europe regularly encounter problems when trying to access medicines which are crucial for their health. For example, medicines may not be available at pharmacies or not be reimbursed because of their high price and the strain they put on public health budgets.

State of play

In April 2023, the **European Commission** tabled a proposal for a revised Directive on medicinal products, and a revised Regulation on the centralised marketing authorisation procedure and the European Medicines Agency.

Recommendations for the Presidency

The Spanish EU Presidency should prioritise this file and achieve quick progress as it is urgent to identify policy solutions that improve marketing authorisation, availability and affordability of medicines.

What consumers need

The revised pharma legislation must:

- Improve marketing authorisation standards, not weaken them. This involves ensuring that schemes for early drug approval like ‘conditional marketing authorisation’ are used only in justified situations.
- Request drug developers to conduct clinical trials that compare the benefits of new medicines against the best available treatments. This will help patients get quicker access to the best possible treatments and improve the financial sustainability of health budgets.
- Ensure that package leaflets are legible and understandable and stay in the medicine box, as it is the easiest way for consumers to get information on the safe use of medicines. Digital information can only be a complement and QR codes must be designed in ways that ensure users’ privacy.
- Introduce measures that contribute to the availability of centrally authorised products across the EU. To help prevent shortages, pharma companies must submit drug shortage prevention plans to public authorities, keep some safety stocks and notify shortages earlier. Moreover, competent authorities must step up their monitoring of supply and demand and enable consumer reporting of shortages.

- Ensure a better balance between innovation and affordability by reducing data and market protection periods and change them according to the type of product (e.g. unmet medical needs). In addition, the legislation must facilitate access to cheaper medicines by removing any obstacles that prevent the entry of generics on the market.
- Increase transparency on drug research and development costs so the authorities can negotiate more fairly with pharma companies on the price of new medicines.
- Refrain from introducing ‘transferable exclusivity vouchers’ for drug development, as these vouchers will come at a huge cost to health systems, hamper competition and delay consumers’ access to cheaper generics. The Council should instead support the development of novel antibiotics through fairer means, including through the Health Emergency Preparedness and Response authority (HERA).

ADDITIONAL SOURCES

A Consumer checklist: how the pharma reform should work for consumers.
Factsheet
[BEUC-X-2023-033](#)

What consumers think of medicine prices today: Results from focus groups carried out in Italy, the Netherlands and Spain
Report
[BEUC-X-2022-117](#)

Transferable exclusivity vouchers for medicines: disrupting markets, unfair to consumers
Factsheet
[BEUC-X-2022-101](#)

Medicine shortages in EU: alarming survey results from some countries
Factsheet
[BEUC-X-2022-008](#)

Addressing barriers for consumers to access medicines in the EU
Position paper
[BEUC-X-2022-052](#)

2

European Health Data Space

Why it matters to consumers

Health data holds the potential to significantly advance our knowledge about disease prevention and treatment. Giving consumers better control of their health data while facilitating health professionals’ access to such data can also improve cross border health services in the EU. However, the risks for consumers are high, given the sensitivity of health data. It is imperative that strong safeguards are established to guarantee personal data protection, privacy, security and accuracy for consumers to benefit from unlocking access to health data.

State of play

The **European Commission** published a legislative proposal for the European Health Data Space in May 2022. **Council** and **Parliament** are working on their respective positions.

Recommendations for the Presidency

We encourage the Spanish Presidency to ensure that the Council position embeds the protection of consumers' health data, which are very sensitive, at the core of the future European Health Data Space.

What consumers need

The European Health Data Space must:

- Ensure consumers' access to and control over their health data. Consumers must opt in to the 'primary use' of their health data and be able to at least opt out of the 'secondary uses'. Genetic data and wellness application data must be removed from the scope of the European Health Data Space.
- Include strong safeguards to prevent abuses through secondary use of health data by health professionals or research entities. The list of purposes for legitimate secondary use must be further restricted and there must be mandatory minimum quality requirements regarding anonymisation and pseudonymisation of data.
- Guarantee a high level of data security and confidentiality. Electronic Health Record (EHR) systems must be reviewed and approved by a competent authority before entering the market and not be self-certified.
- Include adequate accountability, liability and redress mechanisms in case of data loss or misuse resulting in consumer harm. In particular, the EHDS must be added to the Annex of the Representative Actions Directive.
- Be subject to strong public oversight and enforcement to ensure compliance with data protection rules and other legal obligations.

ADDITIONAL SOURCES

Consumer attitudes to health data sharing -
survey results from eight EU countries
Report
BEUC-X-2023-051

Consumers need strong safeguards
to protect their data
Position Paper
BEUC-X-2022-104

A European Health Data Space
Factsheet
BEUC-X-2023-029

For more information: health@beuc.eu



SAFETY

1

Classification, labelling and packaging of chemicals

Why it matters to consumers

The Classification, Labelling and Packaging (CLP) Regulation is the primary EU tool for identifying hazardous chemicals (e.g. carcinogens). It plays a major direct role in reducing chemical risks for consumers by regulating how hazard and safe use information on paints, glues and detergents must be communicated through product labels. Hazard classification also serves as an indirect trigger for risk management measures in downstream legislation on e.g. cosmetics and toys.

State of play

In December 2022, the **European Commission** published its proposal for a targeted revision of the CLP Regulation. The **European Parliament** and **Council** are working on their respective positions.

Recommendations for the Presidency

BEUC calls on the Spanish Presidency to advance the Council discussion on this proposal with a view to swiftly reach a General Approach.

What consumers need

- Stronger and simpler labelling and advertising requirements to improve the communication of essential product information. This should also include clear legibility criteria in relation to e.g. minimum font size, letter spacing and text/background contrast.
- Digital labelling must not replace on-product labels but could play a complementary role. Digital technologies hold significant potential to increase both available product information and capacity to communicate it to consumers by e.g. improving legibility for visually impaired consumers or by providing more detailed, relevant information.
- New safeguards to protect consumers against dangerous products sold online. Notably, a possibility should be introduced to hold online service providers / marketplaces liable for non-compliance where no other responsible economic operator can be identified.

ADDITIONAL SOURCES

Towards Toxic-Free Consumer Lives. BEUC's take on the Chemicals Strategy for Sustainability
Position paper
[BEUC-X-2021-038](#)

Why moving essential product information online is a no-go
Position paper
[BEUC-X-2021-016](#)

2

Cosmetics and toys

Why it matters to consumers

EU cosmetics and toy safety rules play a vital role in protecting vulnerable consumers such as pregnant women and children against chemical risks. However, the legislative framework suffers from major shortcomings. Unsafe toys remain for example consistently among the highest risks notified through the Safety Gate alert system, while cosmetic and personal care products massively expose consumers to ingredients of concern such as potential endocrine disruptors.

State of play

The Chemicals Strategy for Sustainability rightly commits the **European Commission** to better protect consumers against harmful chemicals by reinforcing the Cosmetic Product Regulation and the Toy Safety Directive. Preparatory work is ongoing, with the Commission expected to present its legislative proposals during summer 2023.

Recommendations for the Presidency

BEUC encourages the Spanish Presidency to promptly start Council negotiations on these proposals once presented by the Commission.

What consumers need

- The most harmful chemicals such as known and suspected endocrine disruptors should be banned by default in cosmetics and toys. New legal safeguards should also be introduced to take account of consumers' combined exposure to chemicals of concern from cosmetics, toys and other consumer products as well as from environmental sources.

- To enable informed consumer choices, product labels need to be improved by introducing clear legibility criteria in relation to e.g. minimum font size or text/background contrast. The Commission proposal to revise the CLP Regulation could serve as a model.
- Better safeguards against dangerous toys and cosmetic products sold online. This should, as a priority, include a possibility to hold online marketplaces liable for non-compliance where no other responsible economic operator can be identified. Also, online marketplaces should be obliged to verify the identity of the responsible person for products before putting them on sale.

ADDITIONAL SOURCES

Targeted revision of the cosmetic products regulation. BEUC comments to the public consultation
Position paper
[BEUC-X-2022-050](#)

Evaluation of the toy safety directive, chemicals strategy for sustainability: which way forward?
BEUC comments
Position paper
[BEUC-X-2021-090](#)



For more information: safety@beuc.eu



FINANCIAL SERVICES

1

Digital euro project and the future of cash

Why it matters to consumers

Today, the consumer has two main options to pay: either cash or an electronic payment (card, transfer or direct debit). Cash is managed by central banks, electronic payments by private banks. If cash is gradually no longer used, all payments will be in the hands of private banks. This is the main reason for the initiative of the European Central Bank (ECB) to create a digital version of the euro. Once adopted, the digital euro should possess the same characteristics as cash to bring an added value to consumers (e.g. same level of privacy as cash, high security standards, off-line availability).

State of play

The **Commission** is due to issue proposals for legislation on the digital euro and on the legal tender of cash in the second quarter of 2023. The ECB is currently undertaking an investigation looking at how a digital euro could be designed and distributed to retailers and the public, as well as the impact it would have on the market.

Recommendations for the Presidency

We encourage the Presidency to promptly start Council negotiations on the legislative framework for the digital euro, once presented by the Commission.

What consumers need

A digital euro must:

- be designed with consumers at heart and guided by the public interest, not that of private banks
- always follow the principles of privacy by design and by default allowing for anonymous transactions up to a certain amount in compliance with anti-money laundering laws
- be designed as a bearer instrument with the possibility to make off-line transactions to increase its resilience and acceptability
- improve financial inclusion and be offered to all consumers free of charge.

In addition, cash must continue to be accepted widely and remain easily accessible to consumers.

ADDITIONAL SOURCES

The digital Euro must become the digital equivalent of cash
Consumer checklist
[BEUC-X-2022-113](#)

Everyone needs to make payments: the importance of inclusive payment methods
Factsheet
[BEUC-X-2023-044](#)

Digital euro: ECB's consultation
BEUC response
[BEUC-X-2021-001](#)

2

Payment Services Directive 2

Why it matters to consumers

Every consumer makes at least one payment transaction almost every day. The way consumers pay is changing. Moving from coins, notes, cheques, cards and wire transfers, payments increasingly take place online and via mobile phones. This allows for more payment options and more convenience but brings also new challenges to keep consumers' bank accounts, payment cards and e-wallets secure.

State of play

The [Commission](#) is due to issue a proposal to revise the Payment Services Directive 2 in the second quarter of 2023.

Recommendations for the Presidency

We encourage the Presidency to promptly start Council negotiations on the proposal to revise the Payment Services Directive 2 once the Commission has presented it.

What consumers need

- A sound liability framework protecting them against fraud such as social engineering attacks.
- A high level of protection no matter the legal status of the service provider, be it a traditional bank, neo-bank or wallet provider.
- An efficient system of supervision which allows smooth handling of consumer complaints.

- Further improvements of strong customer authentication which:
 - is easy to use thanks to a standardised authentication procedure
 - does not require the newest smartphone to use it and
 - is systematically applied to all transactions.

ADDITIONAL SOURCE

Review of the Payment Services Directive 2
BEUC recommendations
BEUC-X-2022-118

3

Retail Investment Strategy

Why it matters to consumers

Consumers need to be able to save, invest and be protected effectively. This could be for their own retirement, large purchases like a home or renovations, their children's education, or to get appropriate insurance coverage in case of life events. To do this, it is necessary to invest money, to beat inflation but also to be able to increase their ability to afford things in general, both now and in the future.

State of play

The **Commission** proposed legislation on a Retail Investment Strategy in May 2023. The proposal will be negotiated by the **Council** and the **European Parliament**.

Recommendations for the Presidency

The EU needs to overhaul its key financial instruments such as the Markets in Financial Instruments Directive (MiFID II) and the Insurance Distribution Directive (IDD) because there are currently frequent mis-selling scandals in the EU's retail investment markets. The system also performs very poorly for consumers because they are often sold products that underperform and are not in their best interests but provide the biggest commissions for so-called financial advisers. We encourage the Presidency to promptly start Council negotiations on the Retail Investment Strategy proposal once the Commission has presented it with a view to ensuring an ambitious reform of retail financial services in the interest of consumers.

What consumers need

- To avoid conflicts of interest, the introduction of an EU-wide ban on financial inducements for financial advisers involved in the sale of retail financial products to consumers, based on the Dutch and UK experiences.
- The IDD must be strengthened to give the same level of consumer protection as MiFID II. In all future reforms, these two Directives must ensure the same levels of consumer protection to avoid regulatory arbitrage.
- Financial advisers must have a minimum level of expertise. Education and training requirements in both finance and sustainability must be raised to standards similar to those in the United Kingdom.

ADDITIONAL SOURCES

Poor financial advice costs consumers a fortune, but that's just the tip of the iceberg
Factsheet

[BEUC-X-2023-063](#)

The price of bad advice
Website

Transparency alone is not an option to ensure retail investor protection against conflict of interests in the financial industry
Letter

[BEUC-X-2022-080](#)

The case for independent advice
Factsheet

[BEUC-X-2019-049](#)

A Retail Investment Strategy for Europe
BEUC response to public consultation

[BEUC-X-2021-073](#)

4

Open Finance

Why it matters to consumers

The increased use of data and technology is changing the way that financial markets work for firms and consumers. New developments related to Open Banking and Open Finance have the potential to transform financial markets, increasing competition between firms to the benefit of consumers. However, new risks could emerge related to digitisation, including data protection and privacy concerns, discrimination and financial exclusion as well as detrimental personalised practices. The EU must put in place safeguards and rights so that consumers can benefit from new digital financial services.

State of play

The **Commission** is due to present a legislative proposal for an Open Finance framework in the second quarter of 2023.

Recommendations for the Presidency

We encourage the Presidency to critically assess and discuss in Council the proposal for an Open Finance initiative, once it has been presented, to ensure that safeguards are put in place to protect consumers against the misuse of their data by both financial and non-financial operators seeking to enter financial markets.

What consumers need

- Consumers must remain in full control of their data, which should only be shared with third parties based on their explicit, informed consent.
- Consumers need to be adequately protected through clear liability rules against misuse of data including discrimination, data breaches, privacy and security risks associated with the sharing of consumers' financial data.
- Consumers must have a right to instruct their bank not to share their data with third parties, and consumers must be able to easily keep track through their bank which third parties they have granted consent and access to.
- When accessing consumer data, firms must strictly comply with the full requirements of the General Data Protection Regulation (GDPR). In addition, any reciprocal data access by financial entities to non-financial data must be rejected.

ADDITIONAL SOURCE



Making Open Finance Consumer Friendly
Factsheet

BEUC-X-2020-054



For more information: financialservices@beuc.eu



CONSUMER RIGHTS

1

Empowering consumers for the green transition

Why it matters to consumers

There is growing interest amongst consumers to choose more sustainable products, and in this way to reduce the negative impact their consumption has on the climate and the environment. However, all too often products are poorly designed and break too quickly. In addition, to make sustainable choices, consumers need reliable information and must be protected against misleading green claims, which abound on the EU market. They also need to be equipped with stronger rights that allow them to play a more active role in the transition to a circular consumption model.

State of play

In March 2022, the **European Commission** proposed a Directive on empowering consumers for the green transition through better protection against unfair practices and better information by amending the Unfair Commercial Practices Directive (UCPD) and the Consumer Rights Directive (CRD). Both the **Council** and **European Parliament** adopted their positions in May 2023 and the trilogues are ongoing.

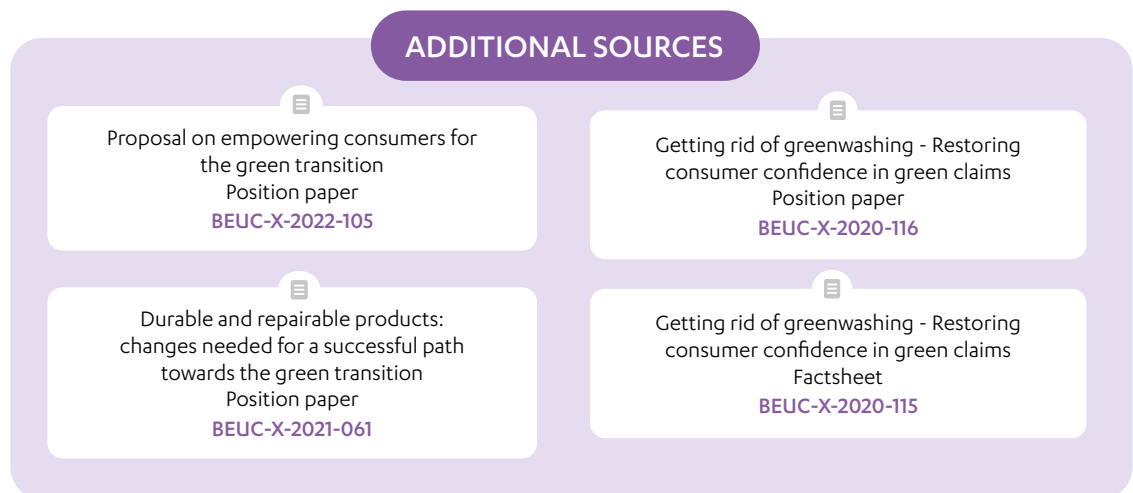
Recommendations for the Presidency

BEUC calls on the Spanish Presidency to swiftly reach an agreement in the trilogues with the aim of improving consumer information and rules protecting consumers from misleading practices.

What consumers need

- Sustainability labels and information tools must be reliable and pre-approved before they appear on the market. Their pre-approval by national or EU authorities must depend on conformity with the minimum requirements defined in the legislation, subject to mutual recognition and published in the publicly available register.
- Clear and comparable information about the period during which their products will be covered by a guarantee. This should include the legal guarantee period as a minimum, and where relevant its voluntary expansion, i.e. the commercial guarantee of durability. This information must be provided via an EU-wide mandatory label.

- Clear, comparable and credible information about the periods for which software updates will be available. Traders must be obliged to always consider the existing legal requirements for how long the updates need to be supplied and display these periods as a minimum.
- Information on product repairability in a harmonised format (repairability score) must be available to enable easier product comparisons and to give a marketing advantage to more repairable products.
- Consumers must be protected against unfair commercial practices that cause the premature obsolescence of consumer goods by explicit bans of certain practices. Some new practices should be added to this proposal, including a prohibition on marketing a good that fails to comply with the requirements of the Ecodesign Directive and a prohibition on bundling security updates with other types of software updates.
- There must be strengthened and more explicit rules protecting consumers from greenwashing practices. Certain claims that are impossible to be true from a scientific point of view, such as “carbon neutral” and equivalents, must be explicitly banned.



2

Common rules promoting the repair of goods

Why it matters to consumers

Products often break down too quickly. Consumers are increasingly open to invest in buying better quality products, but they need a guarantee that they will be repaired if something goes wrong.

State of play

In March 2023, the **European Commission** adopted its proposal on common rules promoting the repair of goods. The **European Parliament** and the **Council** are now starting to work on their respective positions.

Recommendations for the Presidency

BEUC welcomes this proposal and calls on the Spanish Presidency to seek a rapid agreement on this file, which is crucial due to the short timeline before European elections in 2024. We also urge the Spanish Presidency to support an ambitious set of measures to ensure a proper right to repair for European consumers.

What consumers need

- Longer legal guarantee periods for certain more durable goods which could be established via product policy legislation (Ecodesign implementing measures).
- Direct producer liability for non-conformity of products.
- Longer reversal of the burden of proof which should match the legal guarantee periods, to ensure that the guarantee rights can be exercised by consumers in practice.
- New measures encouraging repairs; imposing repair as the only available first-hand remedy is not a solution.
- New measures improving consumers' access to information about the repair conditions.
- Further strengthening the obligation to provide software updates in accordance with the lifespan of a product.
- Making sure that repairs are economically attractive for consumers and easily accessible.

ADDITIONAL SOURCES

Sustainable consumption of goods – promoting the right to repair and reuse
Position paper
BEUC-X-2022-034

Durable and repairable products: changes needed for a successful path towards the green transition
Position paper
BEUC-X-2021-061

3

Product Liability Directive and AI Liability Directive

Why it matters to consumers

The 36-year-old Product Liability Directive is outdated and thus fails to provide sufficient protection for consumers in the context of new digital technologies, such as connected devices and systems driven by artificial intelligence. Consumers also need additional protection in the light of the increasing commercial use of artificial intelligence. While the widespread use of AI may provide many benefits, it also presents

significant challenges and risks to consumers from which they are insufficiently protected. Consumers need to know who to hold responsible if they suffer harm from an AI system. It is essential that the EU's product liability rules establish a clear and enforceable legal framework that gives consumers access to justice

State of play

In September 2022, the **European Commission** published a legislative package including a proposal to revise the Product Liability Directive and a proposal for a Directive on adapting non contractual civil liability rules to artificial intelligence (AI Liability Directive, AILD). The **European Parliament** and the **Council** are working on their respective positions.

Recommendations for the Presidency

BEUC welcomes the European Commission proposal to modernise the Product Liability Directive and make its rules more accessible to consumers. We call on the Swedish Presidency to seek rapid agreement on the proposals in Council and to ensure that consumers are protected if they face a damage from a defective good.

What consumers need

On the Product Liability Directive:

- Software, including AI, shall remain in the scope of the Product Liability Directive.
- The burden of proof must be shifted from the consumer to the company, because of the complex nature of products in the digital environment.
- The notion of 'defect' must be revised so as not to be determined exclusively from the 'safety' perspective, e.g. to also cover cybersecurity issues of connected devices.
- Online marketplaces must be included in the scope of the Product Liability Directive and must become subsidiarily liable if the producer or importer of a defective product cannot be held liable for damage caused by a defective product.
- The risk-development defence or the late defect defence are incompatible with the dynamic nature of digital goods and must be revised.
- All types of damage must be compensated, including non-material damage.

On the AI Liability Directive:

- A non-fault-based liability approach must be the default option. The proposal would require consumers to prove fault of the AI system's operator to claim compensation for damages. This would make it very difficult, if not impossible, for consumers to benefit from their right to compensation for damages.
- A reversed burden of proof. Consumers must only have to prove the damage they suffered and the involvement of an AI system.
- The Directive must explicitly cover both material and non-material harm. This is already the case under other EU legislation, such as the GDPR and the Package Travel Directive. It is essential that all types of harm, including non-material harm (such as pain, loss of an opportunity or inconvenience), are compensated.

ADDITIONAL SOURCES

Revision of the Product Liability Directive
Position paper
[BEUC-X-2023-023](#)

Adapting civil liability rules to the new
digital technologies
Position paper
[BEUC-X-2022-002](#)

Proposal for an AI Liability Directive
Position paper
[BEUC-X-2023-050](#)

Product Liability 2.0: How to make EU rules
fit for consumers in the digital age
Position paper
[BEUC-X-2020-024](#)

4

Better protection of passengers and their rights

Why it matters to consumers

Consumers often experience very stressful and frustrating issues such as delays and cancellations when travelling. They need strong passenger rights to protect them in such situations. EU legislation in this field has been a great achievement but, as shown by recent events such as the crisis caused by the world pandemic, it needs to be improved, especially in the area of enforcement.

State of play

The [European Commission](#) is due to publish a legislative proposal on Better Protection of Passengers and their Rights in Q3 2023, aiming to tackle five important horizontal issues: insolvency protection for airlines, online booking intermediaries, better enforcement, passengers' right to cancel tickets in extraordinary circumstances and passenger rights in multimodal transport.

Recommendations for the Presidency

Once the Commission has presented the proposal, BEUC encourages the Presidency to promptly start Council negotiations.

What consumers need

- Efficient enforcement: innovative schemes must be considered to strengthen the enforcement of the passenger rights Regulations. These could include automatic reimbursement and compensation schemes, and mandatory participation in Alternative Dispute Resolution (ADR) bodies with binding decisions. Truly deterrent sanctions based on transport operators' annual turnover should also be introduced in all passenger rights regulations.
- A mandatory insolvency protection regime for airlines as already exists in the Package Travel Directive. Such a regime must cover at the very least reimbursement, repatriation of passengers, and any voluntary vouchers proposed to consumers as an alternative to monetary reimbursements.
- The progressive suppression of pre-payment practices in all passenger rights legislation.
- The right to cancel standalone tickets at no cost in case of unavoidable and extraordinary circumstances, such as the right that already exists in the Package Travel Directive.
- Clear, strong and easily enforceable rights for passengers using multimodal means of transport.
- The introduction of joint and several liability between online intermediaries selling transport tickets and travel operators, making it easier for consumers to exercise their rights.

ADDITIONAL SOURCES

Passenger rights 2.0: Towards better consumer protection and a more resilient travel sector
Position paper
[BEUC-X-2022-125](#)

Enforcement of air passenger rights in the COVID-19 context: BEUC comments, concerns and recommendations
Letter
[BEUC-X-2020-015](#)

EU Air Passenger Rights and Enforcement: Real improvements are needed
Position paper
[BEUC-X-2019-083](#)

Travellers' rights during the COVID-19 crisis
Position paper
[BEUC-X-2020-030](#)

European consumer and passenger rights in the COVID-19 crisis
Letter
[BEUC-X-2020-017](#)

5

Package Travel Directive

Why it matters to consumers

Consumers opting for package travel expect strong protection of their interests if something goes wrong with their trip. The Package Travel Directive is an important EU instrument that was supposed to ensure this is the case. However, recent events such as the pandemic and bankruptcies of travel agents have revealed some important shortcomings in the current framework that need to be corrected to ensure that consumers are still effectively protected.

State of play

The **European Commission** is due to publish its legislative proposal in Q3 2023.

Recommendations for the Presidency

BEUC encourages the Presidency to promptly start Council negotiations on this proposal once presented by the Commission.

What consumers need

- Effective enforcement, with such measures as mandatory participation in Alternative Dispute Resolution (ADR) schemes for tour operators, retailers and online intermediaries.
- Strong insolvency protection rules. The revision of the Directive must ensure that all vouchers, as well as pending reimbursement, are protected against the insolvency of tour operators. The revised Directive should also provide clear criteria on how to define insolvency protection schemes.
- Clear liability rules for online booking intermediaries regarding assistance, information and refund obligations to consumers.
- Clarification of the rules on consumers' right of withdrawal in case of unavoidable and extraordinary circumstances.
- A revised Package Travel Directive that is consistent with EU passenger rights legislation (e.g. insolvency protection for passengers buying standalone tickets and a right to cancel their journey in case of extraordinary circumstances should be introduced).

ADDITIONAL SOURCES

Passenger and holiday makers' rights: How to ensure upcoming reforms fill the gaps?
Consumer Checklist
[BEUC-X-2022-129](#)

The Package Travel Directive: How to regain consumers' trust in the tourism sector
Position paper
[BEUC-X-2021-115](#)

For more information: consumer-rights@beuc.eu



ENFORCEMENT AND REDRESS

1

Consumer Alternative Dispute Resolution

Why it matters to consumers

Consumer alternative dispute resolution (ADR) gives consumers and traders the possibility to resolve disputes out-of-court via the input of a third-party and through a process which should be simple, fast, and non-expensive. It is notably important for small value claims where consumers may have no possibility to claim redress in court. Yet ADR has not fully taken off in many European countries and is not running satisfactorily in all business sectors. It is important that the EU upgrades the existing rules to ensure that ADR delivers on the ground for consumers and is a viable pathway to obtain redress.

State of play

The **Commission** is due to propose a “consumer enforcement package” in 2023, which will include an evaluation and a proposal for revision of the existing consumer ADR regulatory framework. Established at EU level in 2013, this framework is not yet widely used in practice. In parallel, due inter alia to technological changes and the rise of online dispute resolution mechanisms, ADR landscapes have changed substantially since the Directive was adopted in 2013.

Recommendations for the Presidency

BEUC calls on the Presidency to quickly start the discussion in Council with the aim to enable stronger and more efficient consumer ADR bodies across Europe operating in all economic sectors and complying with strong quality criteria.

What consumers need

- The quality requirements - particularly those relating to the independence, expertise, and impartiality of ADR entities – should be strengthened to ensure that consumers (including the vulnerable ones) can benefit from high-quality ADR services.
- Traders’ participation in ADR should be mandatory in all sectors. At the very least, traders’ participation should be mandatory in sectors yielding the highest number of consumer complaints (e.g., transports).
- All procedural barriers hindering consumers’ access to consumer ADR should be removed and ADR should be free of charge for consumers.

ADDITIONAL SOURCE

Alternative Dispute Resolution for Consumers: Time to Move up a Gear
Position paper
[BEUC-X-2022-062](#)

2

Public enforcement of consumer protection rules

Why it matters to consumers

Public enforcement of EU consumer law still mostly takes place at national level and so depends on the resources and powers of national authorities and courts. This results in significant differences between Member States in the rights consumers can exercise in practice. It is even more problematic when traders from non-EU countries cause harm – either by selling unsafe and dangerous products or by simply breaching EU consumer law. Due to gaps in legislation and enforcement, these traders often get away with their illicit practices, leaving EU consumers harmed and empty handed.

State of play

The **Commission** is due to propose a “consumer enforcement package” in 2023, which will include an evaluation and a revision of the EU Regulation on Consumer Protection Cooperation (CPC) on rules for cooperation among national authorities when tackling widespread and cross-border infringements in the EU.

Recommendations for the Presidency

The reform of the CPC regulation is urgently needed so BEUC calls on the Presidency to give priority to this file and work towards stronger and more efficient public enforcement and coordinated public enforcement at the EU level. Furthermore, we suggest organising discussions on better enforcement co-operation in a consumer conference or another event.

What consumers need

- Public authorities must actively investigate both national and cross-border infringements, reinforcing each other's activities and cooperating closely with consumer associations.
- In certain circumstances, the European Commission must play a stronger enforcement role within the CPC framework. This should notably be the case to address widespread infringements with an EU dimension since they can have an impact on thousands of consumers throughout Europe. This would significantly help reduce coordination costs among national consumer authorities.
- Public authorities must also develop an interdisciplinary approach towards consumer protection in the data economy, bringing together consumer, data protection, competition and sectoral fields of law.
- Solutions must be found to ensure that traders from non-EU countries do not get away with breaking EU consumer law.
- Consumers must have access to high quality ADR entities across Europe to solve their disputes.

ADDITIONAL SOURCE

Strengthening the coordinated enforcement of consumer protection rules
Position Paper
[BEUC-X-2022-135](#)

3

Collective redress and support for qualified entities

Why it matters to consumers

From financial mis-selling scandals to faulty medical implants, consumers across the EU sometimes fall victim to products or services that cause them harm. But they usually have very little chance to get compensation in court because legal proceedings are expensive and time-consuming. In situations of mass harm, often the only realistic option for consumers is to try to obtain compensation by going to court together (collective redress). It is important that consumer associations and other entities representing harmed consumers can bring representative actions in practice and that they are not faced with too many barriers.

State of play

The adoption of the Directive on Representative Actions in 2020 was a huge milestone in the EU's consumer policy. However, the process of implementation at national level, which should have been completed by December 2022, is lagging behind in many countries. Moreover, national consumer associations have not always been consulted in the process.

In parallel, the **European Commission** is evaluating whether the existing EU private international law framework remains fit for purpose in the context of cross-border collective redress actions.

Recommendations for the Presidency

We ask the Presidency to hold a discussion in Council about the way the Representative Actions Directive has been implemented in Member States. Particular attention must be given to sufficient financing for representative actions and the revision of EU private international law rules applicable to cross-border mass claims.

What consumers need

- The criteria for who can become a 'qualified entity' to bring domestic representative actions should not be defined in such a way that prevents consumer associations from taking up this role.
- Consumer associations must be supported by governments to become strong private enforcers, using both injunctions and collective redress actions. This would deliver better access to justice and more equality for all European consumers, as well as ensuring that recovering consumer markets are also fair and transparent for competitors.
- EU private international law rules must be adapted to the specificities of cross-border representative actions. The Representative Actions Directive did not touch upon the existing EU private international law rules making the resolution of cross-border mass claims very complex and uncertain in practice.

ENDS

Published in June 2023 by BEUC, Brussels, Belgium.



The European Consumer Organisation
Bureau Européen des Unions de Consommateurs
Europäischer Verbraucherverband

Rue d'Arlon, 80 Bte 1, B - 1040 Bruxelles

The content of this publication represents the views of the author only and it is his/her sole responsibility; it cannot be considered to reflect the views of the European Commission and/or the European Innovation Council and SMEs Executive Agency (EISMEA) or any other body of the European Union. The European Commission and the Agency do not accept any responsibility for use that may be made of the information it contains.

- AT Arbeiterkammer
- AT Verein für Konsumenteninformation (VKI)
- BE Testachats/Testaankoop
- BG Асоциация Активни Потребители
- CH Fédération Romande des Consommateurs
- CY Κυπριακος Syndesmos Katanaloton
- CZ dTest
- DE Verbraucherzentrale Bundesverband (vzbv)
- DE Stiftung Warentest
- DK Forbrugerrådet Tænk
- EE Eesti tarbijakaitse Liit
- EL ΕΚΠΙΖΟ
- EL ΚΕΡΚΑ
- ES Asumin
- ES Confederación de consumidores y usuarios (CECU)
- ES Organización de consumidores y usuarios (OCU)
- FI Kuluttajaliitto – Konsumentförbundet ry
- FR Consommation, logement et cadre de vie (CLCV)
- FR UFC-Que Choisir
- HR Unija potrošača Hrvatske
- HU Fogyasztóvédelmi Egyesületek Országos Szövetsége (FEOSZ)
- HU Tudatos Vásárlók Egyesülete
- IE Consumers' Association of Ireland (CAI)
- IS Neytendasamtökin (NS)
- IT Adiconsum
- IT Altroconsumo
- IT Consumatori Italiani per l'Europa
- LT Vartotojų aljansas
- LV Latvijas Patērētāju interešu aizstāvības asociācija (LPIAA)
- LU Union Luxembourgeoise des Consommateurs (ULC)
- MK Organizacija na potrosuvacite na Makedonija (OPM)
- NL Consumentenbond
- NO Forbrukerrådet
- PL Federacja Konsumentów
- PL Fundacja Konsumentów
- PT DECO
- RO Asociația Pro Consumatori
- SK Združenie slovenských spotrebiteľov (ZSS)
- SK Spoločnosti ochrany spotrebiteľov (S.O.S.)
- SE Sveriges Konsumenter
- SI Zveza Potrošnikov Slovenije (ZPS)
- UK Citizens Advice
- UK Legal Services Consumer Panel
- UK The Consumer Council of Northern Ireland
- UK Which?



Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or EISMEA. Neither the European Union nor the granting authority can be held responsible for them.