



Belgian Presidency of the European Union

BEUC priorities
2024



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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 Belgian member organisation is Testachats/Testaankoop.

As Europeans will head to polling stations in June 2024, **the Belgian Presidency will be the last Presidency of the legislative term of the current European Parliament and will thus play a pivotal role.**

On the one hand, we expect Belgium to finalise several pieces of legislation that will fundamentally shape the future for European consumers. This is especially pertinent for mobility, enforcement and the financial and digital sectors. And with the climate crisis as a backdrop, we have high hopes that this Presidency will wrap up important Green Deal legislative files. We expect the Presidency to ensure that these priorities are dealt with in a way that ensures results to improve everyone's lives.

On the other hand, **we expect the Belgian Presidency to help shape the agenda of the incoming European Commission.** Their mandate should enable Europeans to live in a fair market – online and offline – where the sustainable choice is the easy and affordable choice, and digitisation works to the benefit of all. **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:

- **Green Claims Directive:** The proposed Directive should protect consumers from unverified claims and require companies to substantiate claims before they can be made public and put on the market. It should ensure that green claims are robust and trustworthy.
- **Directive on common rules promoting the repair of goods:** Consumers are increasingly open to investing in buying better quality products, and they need a guarantee that they will be repaired if something goes wrong. The proposed Directive aims to make the right to repair a reality.
- **Artificial Intelligence Act:** Consumers must benefit from artificial intelligence (AI) rather than be exposed to new risks. The proposed Regulation was agreed in trilogue but technical modifications are ongoing. The EU legislators should ensure that the protection granted to consumers in commercial uses of AI systems meets the standard of EU consumer law, at the minimum.
- **Alternative Dispute Resolution (ADR):** The proposal to review the current Directive intends to modernise and simplify rules on out-of-court dispute resolution as well as to adapt them to digital markets and empower consumers in the digital transition. However, the current draft does not meet these objectives and does not address the loopholes that have prevented the use of consumer ADR across the EU.
- **Better protection for passengers and their rights and revision of the Package Travel Directive:** These proposals were recently published as part of the 'Passenger Mobility Package'. It is important to ensure these initiatives are coherent and provide a high level of consumer protection.
- **AI Liability Directive:** The EU needs to urgently modernise and further harmonise its civil liability rules to be better suited to the digital era. This initiative must ensure that consumers suffering harm from an AI system have access in practice to justice and redress.
- **Proposed revision of Electricity Market Design rules:** The revision of the last key piece of EU energy legislation must significantly increase protections in electricity markets, such as banning disconnections to vulnerable consumers and those in energy poverty and banning unilateral changes of fixed price contracts.
- **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.
- **EU's general pharmaceutical legislation:** The proposal is very important as it focuses on enhancing access to more affordable medicines. Consumers across Europe encounter obstacles when attempting to obtain medication necessary for improving their health. Frequently, these medicines are either unavailable at pharmacies or are not reimbursed by public health agencies due to excessively high prices.
- **Retail Investment Strategy and legislative reform:** This reform will encompass vital topics including the protection of retail investors, inducements, financial advice and ensuring value for money. The EU should prohibit the payment of inducements to financial advisers to mitigate conflicts of interest and ensure consumers have access to appropriate and unbiased financial advice.

- **Payment Services Directive and Regulation:** 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 and Regulation offers a unique opportunity to develop a strong consumer protection framework against payment fraud and other fraudulent practices.
- **Reform of EU Customs Policy:** The reform aims to enhance consumer protection against dangerous products sold online and imported from outside of the EU. Additionally, it should strengthen the enforcement of EU environmental standards, including Ecodesign, fostering more sustainable choices for consumers.
- **Regulation on Toy Safety:** The proposed Regulation should prevent children's exposure to harmful chemicals, such as endocrine disruptors, in toys. The proposed Regulation must adequately address the risks arising from all types of toys, including online games and smart toys.

We count on the Belgian Presidency to facilitate progress on these and other initiatives mentioned in this Memorandum, with an assertive aim of delivering clear benefits to European consumers.

We wish Belgium a most successful Presidency.

Monique Goyens
Director General

Arnold Koopmans
President



CONSUMER RIGHTS

1

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

Trilogue negotiations for this proposal are expected to start in December 2023, which means that the Belgian Presidency will play a crucial role in reaching a final compromise and ensuring definitive adoption of this proposal in early 2024.

Recommendations for the Presidency

BEUC welcomes this proposal and calls on the Belgian Presidency to seek rapid adoption of this proposal before the 2024 European elections. We urge the Belgian Presidency to ensure the proposed measure gives European consumers an effective right to repair in practice.

What consumers need

- Direct producer liability for non-conformity of products.
- One-year extension of the liability period after repair of a product that is still under the legal guarantee, with the possibility for Member States to introduce longer extensions.
- Imposing repair as the only available first-hand remedy as proposed by the European Commission and Parliament is not a solution. It would significantly reduce consumer rights and give too much power to the trader, with the consumer unable to contest the price of repair. We call on Member States to maintain their position and not to reduce existing consumer rights.
- Making sure that repairs are economically attractive for consumers and easily accessible, e.g. by introducing financial incentives at the national level, such as the repair fund in France or the repair bonus in Austria.

ADDITIONAL SOURCES

2

Passenger 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 as regards enforcement.

State of play

In November 2023, the [European Commission](#) published two legislative proposals in the field of passenger rights: (1) a proposal for a Regulation on passenger rights in the context of multimodal journeys and (2) a proposal for a Regulation as regards enforcement of passenger rights in the Union.

Recommendations for the Presidency

BEUC encourages the Belgian 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

3

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 **Commission** published a legislative proposal for a revision of the Package Travel Directive in November 2023, as a part of the 'Passenger Mobility Package'.

Recommendations for the Presidency

BEUC encourages the Presidency to promptly start Council negotiations on this proposal.

What consumers need

- Further limiting holidaymakers' pre-payments
- Clearer insolvency protection rules to ensure that voluntary vouchers and pending consumer reimbursement claims are also protected.
- Clarification of the right to withdrawal and the value of travel warnings.
- Clearer business to business rules to ensure timely consumer refunds.

ADDITIONAL SOURCES

4

AI Liability Directive

Why it matters to consumers

Consumers 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 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, including in the new digital context.

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).

In case of the Product Liability Directive, the **European Parliament** and the **Council** reached an informal agreement in the trilogue negotiations in December 2023.

In case of the AI Liability Directive, the **European Parliament** and the **Council** are still working on their respective positions.

Recommendations for the Presidency

We call on the Belgian Presidency to ensure that the final AI Liability Directive can effectively protect consumers if they suffer harm from a defective AI product.

What consumers need

- A non-fault-based liability approach must be the default option. The current 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

5

Digital Fairness Fitness Check

Why it matters to consumers

The digital asymmetry, defined as an omnipresent imbalance of power and knowledge in the digital world, puts consumers in a weaker position towards traders using new technologies. It also leads to completely new challenges that will need to be addressed not only by rethinking some core concepts of consumer law but also targeted new rules tackling such phenomena as influencer marketing, dark patterns and personalised pricing.

State of play

In May 2022, the **Commission** launched a ‘digital fairness’ fitness check of consumer law which aims to examine the need for updating consumer law for the digital age. The Commission is currently expected to report on the results of this fitness check in June 2024.

Recommendations for the Presidency

BEUC calls on the Belgian Presidency to hold a discussion on the results of the fitness check and to show the European Commission its support for presenting a legislative proposal as a follow up to this fitness check, updating EU consumer law to the digital age.

What consumers need

- The online environment must be fair by design and by default by supporting free choice and protecting consumers from known decision-making biases.
- The reversal of the burden of proof and a duty of care must be put on the trader to ensure a high level of consumer protection.
- Consumers should have a right to be free of all online tracking. The EU should ban the use of profiling to exert psychological pressure or exploit individual vulnerabilities.
- Influencer marketing must be more strictly regulated at EU level.
- A clear and comprehensive horizontal prohibition on deceptive design (dark patterns) must be introduced for all digital services.
- Gambling elements in video games (such as loot boxes) must be strictly regulated.
- We need a robust European framework for protecting children online.

ADDITIONAL SOURCES



For more information: consumer-rights@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** adopted its position in June 2023. An overall agreement in trilogue negotiations was reached on 9 December but technical meetings are expected to take place under the Belgian Presidency in January 2024.

Recommendations for the Presidency

In the upcoming technical meetings to finalise the text of the trilogue agreement, we urge the Belgian Presidency to always work in favour of a strong framework for AI systems that respect fundamental and consumer rights so that consumers are adequately protected from harm. It is also of the outmost important that the AI Act does not pre-empt the application of other EU laws.

What consumers need

- EU legislators should ensure that consumer and commercial uses of AI systems are covered as much as possible by the AI Act.
- The AI Act’s rules for AI systems used for commercial practices must not be stipulated below the level of EU consumer protection law standards.
- The final text should clarify that the AI Act should be without prejudice to the application of other EU rules, such as EU consumer law, the General Data Protection Regulation (GDPR), the General Product Safety Regulation (GPSR), etc.

ADDITIONAL SOURCES

2

Digital Networks Act

Why it matters to consumers

EU telecoms regulation has been a success story for the past three decades. Fair and competitive markets, combined with effective regulatory measures, have been the driving force behind investment, innovation and consumer welfare. The aims announced for a 'Digital Networks Act' to enable market deregulation and consolidation would run contrary to the EU's achievements over recent decades.

State of play

The **Commission** aims to publish a White Paper in Q1 2024, with the actual proposal following in Q1/Q2 2025.

Recommendations for the Presidency

As the Belgian Presidency is expected to start discussions on the White Paper, we encourage the Presidency to ensure that any upcoming proposal fully observes the European Commission's Better Regulation Principles and is preceded by a proper impact assessment and a public consultation .

What consumers need

- Any proposal for a 'Digital Networks Act' must fully observe the European Commission's Better Regulation Principles, including a comprehensive impact assessment and an inclusive prior public consultation.
- Any such proposal must be in line with the principles of effective competition and consumer welfare. So far, the objectives announced would have detrimental impacts on competition, on the EU Single Market and on consumers' interests.

- Any new proposal should not question the primary objectives of the EU legal framework for electronic communications enshrined in the European Electronic Communications Code (EECC) of “promoting competition, the internal market, and the safeguard of end-user interests.”
- The most efficient way to deliver on the new objectives of the Digital Decade is to ensure that the existing telecoms regulatory framework (EECC) is fully implemented across the EU.
- The Commission should also prioritise alternative policy measures that can maximise efficiency, reduce market entry barriers and stimulate competition, such as the Gigabit Infrastructure Act proposal, and focus on finally achieving the Single Market for Telecoms by abolishing surcharges on intra-EU communications.

ADDITIONAL SOURCES

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 next five Presidencies, including the Spanish one.

Recommendations for the Presidency

We urge the Belgian 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

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

In July 2023, the **Commission** published a proposal to harmonise certain procedural aspects in the handling of cross-border complaints under the GDPR.

Recommendations for the Presidency

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

What consumers need

- The approach and scope of the Regulation should ensure that it does not inadvertently cause unnecessary administrative burdens that result in more delays or that the harmonisation of rules prevents the application of more favourable national rules.
- A mechanism for data protection authorities to cooperate more closely with authorities from other fields.
- Mutual recognition of complaints so that the admissibility of complaints is assessed efficiently.
- Same procedural rights for complainants as those that parties under investigation have, including the right to be heard at each relevant stage of the process and obtaining access to the documents necessary to defend their rights.
- Closer, earlier and smoother cooperation between supervisory authorities to end GDPR infringements swiftly and efficiently. For example, the Regulation should establish adequate and proportionate deadlines for the lead and concerned supervisory authorities.

ADDITIONAL SOURCES

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](#)



ENERGY

1

Electricity Market Design

Why it matters to consumers

Electricity supply 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, consumers can be 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 **European Parliament's** plenary decided to enter trilogue negotiations in September 2023. The **Council** adopted its General Approach mid-October. The trilogue negotiations are expected to take place during the Belgian Presidency.

Recommendations for the Presidency

BEUC calls on the Belgian 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 pressure on distribution 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 continue to 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

2

Heat Pump Action Plan

Why it matters to consumers

To decarbonise heating in line with the EU's climate targets, millions of homes across Europe will need to switch from gas boilers to heat pumps. Currently, the consumer's journey to a heat pump is not straightforward. To simplify this path, consumers need a broader range of protection, better financing options and easier access to information and installation.

State of play

The **European Commission's** Heat Pump Action Plan, announced in early 2023 and originally due to be presented in Q4 2023, will take the form of a Communication to Member States. Public consultations, as well as stakeholder input meetings, were held throughout 2023. Presentation of the Communication has been pushed back to Q1 2024.

The Communication is due to focus mainly on:

- partnership between the Commission, EU countries and the sector (including on research and innovation)
- communication to all interest groups & a skills partnership for rolling out heat pumps
- legislation (ecodesign & energy labelling)
- accessible financing.

Recommendations for the Presidency

BEUC calls on the Belgian Presidency to contribute to the preparation of and to launch discussions on the roll-out of the Heat Pump Action Plan. This could, for instance, include discussions in the Council as to how consumers could benefit from better protection and better financing options when it comes to heat pump purchases. This should include easier access to high quality installation at an affordable price.

What consumers need

- Training of more installers with a view to more and better installations: to increase the number of heat pump installers, Member States must roll out skills and training programmes for the heating industry, which should be fostered with an EU-led communication campaign to highlight the attractiveness of careers in the industry. The development and application of quality certification schemes for installations should be encouraged to increase consumer confidence in reliable installation of heat pumps.
- Creation of attractive financing models and initiatives to make heat pumps more affordable: The European Commission should create a guidance and best practices document for Member States and financial institutions on innovative financing solutions for the green transition.
- Define “Heat as a Service” and provide better consumer protection: the European Commission should clearly outline what offers constitute “Heat as a Service”. The Commission should also improve consumer rights and protection in these offers, including by setting requirements on advertising and precontractual information under the next revision of the Electricity Directive. Consumers should also have access to Alternative Dispute Resolution in such offers.
- Lower the running costs: the European Commission should issue guidance on how to address the high charges and levies borne by electricity, while the Council of Ministers should abolish mandatory minimum levels on excise duties for electricity on household consumers, while ensuring an equitable burden between households and business customers, via the Energy Taxation Directive review.
- Make Homes Heat Pump Ready: to have a useful tool for consumers to understand when buildings are “heat pump ready”, the European Commission, Council and Parliament should approve the proposal for a heat pump readiness indicator during the Energy Performance of Buildings Directive trilogues. Member States should then ensure that roll-out of this indicator occurs during the implementation of the Directive.

- Expand consumer protection for heat pump installations: the European Commission should ensure consumers have access to Alternative Dispute Resolution for heat pump installations and home renovations under the review of the ADR Directive.
- Ensure access to dynamic electricity price contracts: consumers across Europe are already entitled to dynamic price contracts under the Electricity Directive (2019), but these offers are not always available in practice. Member States should ensure roll-out of competitive dynamic price offers for consumers who wish to avail of them.

ADDITIONAL SOURCES



For more information: energy@beuc.eu



ENFORCEMENT AND REDRESS

1

Consumer Alternative Dispute Resolution

Why it matters to consumers

Over the coming years, improving rights, enforcement structures and redress measures across sectors will be essential for the welfare of 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 inexpensive. 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.

State of play

In October 2023, the [Commission](#) proposed a review of the existing Directive to modernise and simplify rules on out-of-court dispute resolution and to adapt them to digital markets.

Recommendations for the Presidency

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. BEUC calls on the Belgian Presidency to quickly start discussions 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. transport).
- All procedural barriers hindering consumers' access to consumer ADR should be removed and ADR should be free of charge for consumers.

ADDITIONAL SOURCE

2

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. As of November 2023, only 13 Member States have implemented the new rules in national legislation. 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.



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 payments increasingly take place in digital forms, 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** published legislative proposals on the digital euro and on the legal tender of cash in June 2023. After completing the investigation phase, the ECB will now start to prepare possible issuance of a digital euro.

Recommendations for the Presidency

We encourage the Presidency to continue Council negotiations on the legislative framework for the digital euro with a view to adopting a Council position.

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

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

Digital euro – BEUC’s recommendations on the legislative framework for the digital euro
BEUC position paper
[BEUC-X-2023-122](#)

2

Payment Services Directive and Regulation

Why it matters to consumers

Today, the landscape of consumer transactions is constantly evolving, with individuals engaging in payment transactions almost daily. The traditional modes of payment, such as cash, cheques, and wire transfers, are gradually being replaced by online and mobile-based payment methods, offering more convenience and more options. However, this transition presents a dual challenge: while it provides increased flexibility, it also introduces new vulnerabilities, demanding better security for consumers’ bank accounts, payment cards and e-wallets. The surge in payment fraud, particularly within credit transfers, is a worrying trend. A sophisticated fraud industry exploits advanced tactics, leveraging technologies like artificial intelligence to deceive consumers.

State of play

Published by the [Commission](#) in June 2023, the large Payment Service package consists of two legislative proposals: for a Regulation and a Directive.

Recommendations for the Presidency

We encourage the Presidency to continue Council negotiations on the payment services package with a view to adopting a Council position.

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.
- For authorised transactions, currently consumers have no right to a refund. The Commission now proposes to change this but only for a very narrow fraud scenario. In many cases, consumers will not be refunded under the new legislative framework (e.g. impersonation of a tax official/police, family member, colleague, fake shops/fake investment platforms). From a consumer perspective, there is no difference between these cases and hence there should be a refund in all cases.
- Currently, there is no financial incentive for banks to invest in fraud prevention as the fraud losses are borne by consumers. Being liable for all fraud scenarios will incentivise banks to invest in fraud prevention and avoid a situation where fraud prevention is focussed solely on the narrow case of bank impersonation.
- To limit the losses for payment service providers (PSPs), we support a right for PSPs to claim back money from other actors involved in the chain (e.g. social media platforms, merchants who experienced data breaches) and stronger information sharing between PSPs to effectively prevent fraud.

ADDITIONAL SOURCES

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 have appropriate reserves 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 is being 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 focus on the consumers' perspective during Council negotiations on the Retail Investment Strategy proposal.

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. In the absence of political support for such a measure, alternatives must include a ban on inducements for sales without advice.
- Effective value for money rules are necessary to contain the worst excesses allowed by the current market failure. Whether by stronger supervision or legislation, investment products of a quality that is too low to justify their use to consumers must be removed from the market.
- A review of the results of this process must happen as soon as possible, to check if the current package of measures has contributed to reducing consumer harm currently being inflicted - the proposed review clause should not therefore be diluted in any way.
- 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

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** published in June 2023 a legislative proposal for a Regulation on Financial Data Access (FiDA), which is being discussed by the Parliament and Council.

Recommendations for the Presidency

We encourage the Presidency to critically assess and discuss in Council the FiDA proposal 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 be shared with third parties only upon their valid permission and based on a legal ground under the GDPR.
- Data categories falling in the scope of the FiDA proposal should be further circumscribed, so that they include only financially relevant data. Data resulting from profiling activities should be excluded due to the high risk of discrimination.
- Data perimeters should have a legally binding form and should cover more retail banking services and insurance products, due to the high risk of exclusion for consumers.
- Permission dashboards should ensure that this tool helps consumers to better control their data. It is essential that dashboards are easy to find and access, while their design and the information displayed must abide by EU data protection and consumer law legislation, such as the GDPR and the Unfair Commercial Practices Directive.
- 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



For more information: financialservices@beuc.eu



FOOD

1

The Revision of EU Food Labelling Rules

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, the Commission has also 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 indefinitely. It is now unlikely that this package will be published before the end of this Commission's mandate.

Recommendations for the Presidency

We encourage the Belgian Presidency to take steps (such as organising a dedicated public event or a debate at Council level) to keep the revision of the Food Information to Consumers law on the policy agenda, 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 bottles of alcoholic drinks.
- Clearer and more understandable date marking.

ADDITIONAL SOURCE

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 to doing so. They expect stronger action from both their national governments and the European Union to promote sustainable food production and consumption. The Framework Law for a Sustainable EU Food System (FSFS) announced by the Commission 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 finalising the impact assessment of the FSFS. Due to the political context, the fate of the proposals for an EU Framework for Sustainable Food Systems is still unknown as we write. Whether these initiatives will land on the Belgian Presidency's desk or not is highly uncertain.

Recommendations for the Presidency

We call on the Belgian Presidency to swiftly start discussions on the FSFS proposal, in the event it would be published, 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 EU policy for promoting 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, has been pushed back to an indefinite timeframe.

Recommendations for the Presidency

We call on the Belgian Presidency to swiftly start discussions on the proposal for a revision of EU policy for promoting agricultural products, in the event it would be published, 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.

ADDITIONAL SOURCES



For more information: food@beuc.eu



HEALTH

1

EU general pharmaceutical legislation

Why it matters to consumers

Surveys from BEUC members have revealed that people struggle to get the medicines they need because of shortages. One in three people who had experienced a medicine shortage said the shortage had an impact on their health. Another survey we carried out showed consumers consider medicines an essential good. As a result, high drug prices and excessive profits by pharma do not sit well with consumers, and even less so when they consider public sector financial support for the development of medicines which leads often to excessive private profits.

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. The **European Parliament** is working on the file under high time pressure, and it is not clear if they will finish it before the end of their legislature. BEUC very much welcomes that health is one of the declared top priorities for the Belgian Presidency and hopes it will therefore ensure good progress in the negotiations as well as achieving ambitious Council Conclusions to the **European Commission** on the future of the European Health Union.

Recommendations for the Presidency

The Belgian EU Presidency should prioritise pharmaceutical legislation and achieve rapid progress as it is urgent to identify policy solutions that improve marketing authorisation, availability and affordability of medicines.

What consumers need

Revised EU pharma legislation must:

- Improve marketing authorisation standards, not weaken them. This involves ensuring that schemes for the early approval of medicines like ‘conditional marketing authorisation’ are used only in justified situations and with strict post-marketing requirements.
- 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, particularly for critical medicines, and must 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 establishing different and shorter data and market protection periods according to the type of product (e.g. modulation based on unmet medical needs), and by making it easier for public authorities to lift monopolies if necessary to protect public health. In addition, the legislation must facilitate access to cheaper medicines by removing any obstacles that prevent the entry of generics and biosimilars on the market as soon as IP rights on the originator product expire.
- 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) and a scheme of 'push and pull' incentives. For example, inducements in exchange for meeting some milestones along the R&D chain, joint procurement, and payment models that de-link volumes from profits.

ADDITIONAL SOURCES

A Consumer checklist: how the pharma reform should work for consumers.
Factsheet
BEUC-X-2023-033

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. Both the **Council** and the Parliament are expected to reach their positions by December 2023, aiming to enter trilogue negotiations. Considering multiple delays, the Belgian Presidency will have a crucial role to play in wrapping up the negotiations in the final trilogues.

Recommendations for the Presidency

We encourage the Belgian 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

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

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



For more information: health@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. Discussions started in Council over the summer. The Belgian Presidency will have an important role to play in coming to an agreement on this proposal.

Recommendations for the Presidency

This reform is of outmost importance to better protect consumers from dangerous and non-compliant products in the Single Market. Additionally, this initiative could not only contribute to better enforcing EU environmental requirements such as Ecodesign and help consumers make more sustainable choices, but also to make marketplaces responsible for the compliance of products imported through their platforms and for the payment of customs duties, instead of consumers. We call on the Belgian Presidency to facilitate the adoption of an ambitious position of the Council, which should retain the consumer protection rules included in the Commission's proposal and complement them 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-checking of products between authorities: customs authorities must exchange information through a common data hub. They should also work better 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 Belgian Presidency to ensure that the European Commission sets up clear overarching governance for the dialogues. This should prevent them from running in different directions on overlapping topics (such as digital and sustainability). 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 and sustainability 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 Transatlantic
Initiative on Sustainable Trade
[September 2023](#)

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

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

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

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

3

Digital trade

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. 90 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 benefits.

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, including on online consumer protection. 2024 has been announced as the year of discussions on sensitive topics – such as algorithms and data flows. In addition, the EU has launched in the second half of 2023 digital trade negotiations with Korea and Singapore and concluded an article on data flows to be added to the existing economic partnership with Japan.

Recommendations for the Presidency

We call on the Belgian Presidency to ensure that the outcome of the WTO e-commerce and other digital trade 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 and should not be included in trade agreements. 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. We call on the Presidency to launch a debate among Member States to rethink EU trade policy, to mirror the initiative of the United States in October 2023 to no longer support the inclusion of rules on data flows and source code in the WTO e-commerce negotiations, to better preserve their policy space.

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 EU should no longer include rules on data flows in its agreements. Should the EU pursue such negotiations despite our concerns, the rules on data flows agreed in the EU-New Zealand trade and cooperation agreement should be used as a model, not the ones agreed with Japan in October 2023.
- The EU must ensure that WTO e-commerce negotiations do not prevent authorities from auditing artificial intelligence systems. To that end, the EU must stop including rules on source code in its trade agreements. Should the EU decide otherwise, the Commission should revise its source code proposals in ongoing negotiations to narrow the exception. This is key to preventing bias and discrimination, as well as to ensuring access to justice in case of harms.
- The EU must prevent the inclusion of rules related to cybersecurity in the WTO e-commerce negotiations. 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 of any trade negotiation must be made public so that consumers know what is being negotiated on their behalf. The EU must encourage the co-conveners of the e-commerce initiative in the WTO to organise public briefings in Geneva.

ADDITIONAL SOURCES

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](#)

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

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. Australia walked away from the negotiating table in October 2023. Discussions might be relaunched in 2024.

Recommendations for the Presidency

We call on the Belgian Presidency to ensure that the talks with Australia establish safeguards to protect consumers, and tools to bring them tangible benefits. The EU should not agree to Australian demands related to food products that would contradict the EU's Farm to Fork strategy. Consumers are making efforts to shift towards more sustainable diets. This is not compatible with increased market access for meat and dairy products.

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



SAFETY

1

Toy Safety

Why it matters to consumers

Consumers expect all products on the Single Market to be safe. This is especially relevant for toys as children represent a group of particularly vulnerable consumers. Research however indicates several compliance issues and safety risks associated with toys, especially as regards online sales. In May 2023, seven BEUC members found, for example, that 60% of 121 tested toys and children's products contained one or more endocrine disrupting chemicals, including some that are illegal.

State of play

The Chemicals Strategy for Sustainability commits the **European Commission** to better protect consumers against harmful chemicals by reinforcing the Toy Safety Directive. The **European Commission** proposed a Toy Safety Regulation in July 2023 to replace the 2009 Toy Safety Directive. **European Parliament** is expected to adopt its opinion and the **Council** to agree its General Approach during the first semester 2024.

Recommendations for the Presidency

BEUC encourages the Belgian Presidency to proceed swiftly with the Council negotiations on this proposal. We call on the Belgian Presidency to ensure that the chemical requirements and the new provisions on mental health are not watered down. It will also be key to get the scope of the proposal right.

What consumers need

- While the ambition to ban the most harmful chemicals such as known and suspected endocrine disruptors should be kept, new legal safeguards should be introduced to take account of consumers' combined exposure to chemicals.
- The Regulation should be underpinned by the precautionary principle and its scope extended to cover interactive software like online/video games. The risks posed by smart toys, whether connected toys or toys embedded with Artificial Intelligence should also be specifically addressed to avoid loopholes remaining after the conclusion of horizontal pieces of legislation.

- Better safeguards against dangerous toys sold online should be put in place. This should, as a priority, translate into the definition of online marketplaces as economic operators and include a possibility to hold them liable for non-compliance where no other responsible economic operator can be identified.
- While the introduction of a Digital Product Passport for toys will facilitate the work of market surveillance and customs authorities, its access by consumers should remain free of charge and be made easy.
- To make toy labels and warnings work for consumers, the use of a single pictogram to draw consumer attention should be ensured, and clear visibility and readability criteria should be introduced in relation to e.g. minimum font size or text/background contrast. The CE marking should be relegated to the technical documentation.

ADDITIONAL SOURCES



For more information: safety@beuc.eu



SUSTAINABILITY

1

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. As 53% of green claims are based on vague, misleading or unfounded information, 61% of EU consumers find it hard to figure out which products are truly green. 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. This initiative is a very important complement to the revision of consumer law just agreed under the 'Empowering Consumers for the Green Transition' proposal and should contribute to cleaning up the market of unsubstantiated green claims and misleading environmental labels. It would introduce new requirements for voluntary claims and labels used by traders and would notably oblige them to substantiate their claims and labels based on a series of criteria and to have them approved by an independent verifier. While the proposal should ensure the robustness and trustworthiness of labels, we are concerned that it further limits environmental labelling schemes which can bring benefit to consumers. The Belgian Presidency has an important role to play in bringing forward Council negotiations on this proposal and should aim at reaching a general approach by the end of the semester.

Recommendations for the Presidency

BEUC strongly supports the Commission's goal to end greenwashing and verify claims before products make it into the market. Therefore, we welcome the Green Claims Directive proposal, but consider that it needs important improvements. BEUC therefore calls on the Belgian Presidency to continue discussions on the proposed Directive on Green Claims and to ensure coherence with the Empowering the Consumers for the Green Transition Directive. Both pieces of legislation must, in combination, guarantee that green claims and labels are robust and trustworthy. Due to the short timeline before the 2024 European elections, the Council should improve the Commission's proposal and adopt a common approach so that trilogue discussions with the incoming European Parliament can start swiftly once the new MEPs will have taken office.

What consumers need

- Minimum requirements for claims frequently used by companies and for priority sectors. Since the requirements proposed for substantiation of green claims are very generic and open for interpretation, the Commission should present within one year after entry into force of the Directive a work plan with priority claims where there is a risk of misleading consumers.
- The requirements for substantiating and communicating green claims should be developed with balanced participation of Member States representatives and relevant stakeholders, including consumer organisations, through a dedicated consultation forum.
- Green claims should be transparent and reflect the real environmental impacts of products and traders, without hiding those impacts or giving the impression that they are minimised or compensated through financial contributions to external projects, such as in the case of carbon neutral products or companies.
- 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 claims and have the claims verified before making them.
- Trustworthy labels should be reinforced to increase consumer access to ecolabelled products. The verification procedures for claims and labelling schemes should be swift enough to ensure that the organisations in charge of trustworthy labels are not forced to discontinue them.
- The Directive should ensure the trustworthiness and reliability of environmental labels, while not restricting the development of those which bring added value. Notably, environmental labels based on aggregated indicators of environmental impacts or new labels developed by Member States should not be prohibited, provided they are based on robust assessment methods and independent governance.
- Enforcement processes and penalties must be sufficiently strong to dissuade companies from making unsubstantiated claims.

ADDITIONAL SOURCES

2

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** have adopted their positions and the trilogues are due to start before the end of 2023 and will continue in early 2024.

Recommendations for the Presidency

We recommend the Belgian Presidency to continue the negotiations with the European Parliament to find a positive compromise for consumers. Despite the low level of ambition in both positions, there are some marginal improvements for people looking for new or second-hand vehicles.

What we need to succeed

- Strict limits for tyres and brakes should enter into force as soon as possible, as the technology to address these is already available at low cost for consumers. Durability requirements for vehicles' engines and batteries, as strengthened by the European Parliament, are essential for consumers switching to electric vehicles. Information on battery degradation must be properly passed on to consumers, including those buying second-hand (see Environmental Vehicle Passport).
- The creation of categories of EURO 7 (A, G, +) is detrimental for proper consumer information and would negatively influence their choice. BEUC suggests following the European Parliament's position and delete all such categories.
- The Environmental Vehicle Passport (EVP) is an interesting addition for consumers. BEUC supports the European Parliament's position, whereby the EVP would allow consumers to get accurate and up-to-date information about their vehicle's consumption, repair and in-service checks throughout its lifetime.
- The Council and the European Parliament should agree on a swift entry into force of Euro 7.

ADDITIONAL SOURCE

Ambitious air pollutant emissions standards for cars
A consumer checklist
BEUC-X-2022-006

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- AT Arbeiterkammer
- AT Verein für Konsumenteninformation (VKI)
- BE Testachats/Testaankoop
- BG Асоциация Активни потребители
- CH Fédération romande des consommateurs
- CY Kypriakos Syndesmos Katanaloton
- CZ dTest
- DE Verbraucherzentrale Bundesverband (vzbv)
- DE Stiftung Warentest
- DK Forbrugerrådet Tænk
- EE Eesti tarbijakaitse Liit
- EL EKPIZO
- EL KEPKA
- ES Asufin
- ES Confederación de consumidores y usuarios (CECU)
- ES Organización de consumidores y usuarios (OCU)
- FI Kuluttajaliitto ry
- FR Consommation, logement et cadre de vie (CLCV)
- FR UFC-Que Choisir
- HR Unija potrosaca 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?



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