

Mr. Didier Reynders
European Commissioner for Justice
European Commission
Rue de la Loi 200

The Consumer Voice in Europe

B-1049 Brussels

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Subject: COVID-19 – implications for consumers and BEUC recommendations for policy responses

Dear Commissioner Reynders,

As we already mentioned in a previous letter (BEUC-L-2020-080/MGO/rs), the COVID-19 pandemic calls for urgent policy responses in numerous sectors of our markets and societies. The first of these responses is already in the pipeline and we very much commend your pro-active approach to work with the CPC network against online fraud and scams that take unfair advantage of consumers scared by the pandemic as well as your efforts to maintain EU consumer rights with regards to the package travel sector.

Beyond travel disruptions and falling victims of scams, consumers are faced with many more issues triggered by COVID-19. Some call for urgent intervention, others are more medium- or long-term. COVID-19 is also a wake-up call that should inspire the EU to build a more resilient economy and prevent, as well as mitigate, future global or European crises – the climate crisis being one of these¹.

That is why we would like to share with you, in annex, a preliminary list of issues that have been identified by our network of national member organisations, and where the EU should take leadership to either address the identified difficulties, or to prevent them from happening in the future.

We are aware that many of the identified topics in the annex to this letter do not fall within your direct remit. However, in your role as “guardian” of the European consumer interest, and in charge of their protection within the College, in line with the EU’s obligation to take consumer interests into account in all relevant EU policy areas, we would like to provide you with an overview of policy fields in which consumers’ economic and non-economic interests are being impacted by the crisis.

The European Commission has a huge role to play to ensure consumers can best overcome the difficulties caused by this pandemic and to initiate measures that are both balanced and fair, for business and consumers alike. We trust that you and your fellow Commissioners will do your utmost and work collaboratively to achieving this end.

We trust that our proposals seem amenable. For the sake of brevity, our recommendations simply list the areas requiring action as well as the context, though we can of course provide you with more detailed information, analysis and feedback from our member organisations.

We are, as always, at the disposal of your services to discuss the content and follow up of our recommendations.

Yours sincerely,

Monique Goyens
Director General

¹ https://www.beuc.eu/publications/beuc-x-2020-016_letter_to_evp_timmermans_consumer_recommendations_to_make_the_european_green_deal_a_success.pdf

ANNEX

COVID-19 – consumer concerns and policy recommendations

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CONSUMER RIGHTS

Air passenger rights

Air passengers have the right to a monetary refund in case their flight has been cancelled. This right should not be compromised and we have written to [Commissioner Vălean](#) to explain our position in more detail. We urge the European Commission to adopt a coherent position on travellers rights and to ensure that consumers, who also suffer financially due to the crisis, can maintain trust in the travel industry.

Cultural and leisure activities

In the last weeks almost all cultural, sport and leisure activities around the EU were cancelled or postponed. As a result, consumers found themselves with tickets they can no longer use, for which they have often paid very high prices. Even if this issue is regulated only on the national level, it is a valid issue of concern for many European consumers.

BEUC encourages the Commission to remind the Member States that it is important to make sure that consumers can seek reimbursements for those tickets without unnecessary hurdles. Some of the Member States have included this issue into their emergency measures, e.g. France¹ or Belgium², in which they allow the event organisers to issue vouchers that can be used by consumers, at a later date, under certain conditions. However, we think that vouchers are not always an adequate solution, so that consumers should have a choice also to get reimbursed for the ticket price.

Excessive prices

Since the outbreak of the crisis, more and more cases of excessive pricing can be observed. At first, they concerned mainly masks, disinfectant gels and similar items. Now, excessive prices appear in many different sectors: food, hygiene products or even high-tech products such as printers (as [reported](#) by our French member organisation, UFC Que Choisir).

BEUC welcomed the recent and very timely CPC coordinated action related to this topic (see below). Because of the crisis consumers are more vulnerable than ever and need to be protected from such unfair practices.

We would ask the European Commission to encourage the authorities taking part in this action, to actively monitor both online and brick-and-mortar shops in their countries in the search of any illegal practices linked to excessive practices. The Polish consumer authority (UOKiK) has already [announced](#) that it will do so. This kind of examples are also being collected by many consumer organisations and could be later also submitted to the authorities.

¹ For more information, see <https://www.quechoisir.org/conseils-coronavirus-nouvelles-regles-de-remboursement-des-evenements-ou-sejours-annules-25-mars-2020-n77623/>

² For more information, see <https://www.test-achats.be/famille-prive/voyage/dossier/corona-fag/evenement>

Package travel

Consumers across the EU see that their right to reimbursement of a cancelled package travel are not respected. Several Member States have already taken individual action to oblige consumers to accept vouchers instead of a monetary refund. We recommend that the European Commission initiates the establishment an European fund to ensure that the tourism industry can cope with its liquidity problems or proposes national funding initiatives, such as the one being taken in Denmark. A specific [letter](#) on this topic has been sent yesterday.

Suspension of the 14-day withdrawal period

Most of the national emergency measures taken so far focussed on protecting the industry from the negative effects of the current health crisis. However, an interesting example of a measure that is designed to help consumers overcome the current hurdles in exercising their rights was adopted in Spain. The 14-day period for consumers to return the goods and exercise their right of withdrawal was suspended, which means that consumers will be able to wait until the state of emergency is over to return the goods. This could be recommended also by other Members States to on-line traders.

COMPETITION

As indicated by the European Competition Network in a joint communication, competition law "*remains relevant also in a period when companies and the economy as a whole suffer from crisis conditions*"³. While flexibility and a certain level of discretion in prosecution might be necessary to guaranteeing the supply of goods and essential equipment, the opposite can be true when opportunism and the temptation to profiteer are on the rise. That is why no carte-blanc can be granted to particular economic sectors and why the European Commission and national authorities must remain more vigilant than ever, so as to ensure that exceptional businesses cooperation practices are temporary and only take place if they are necessary to deal with specific supply chain problems.

For example, we must prevent profiteers from taking advantage of the COVID-19 crisis to demand exorbitant prices for essential goods. While EU competition law can possibly be used against cases of excessive pricing when applied by dominant undertakings, non-dominant players can also engage in these practices. **Therefore, national authorities should be encouraged to make use of their entire toolbox to monitor these practices.**

On state aid, we believe it is important that in the context of the Temporary Framework and the Commission's decisions allowing economic relief to address challenges of the pandemic, the interest of consumers and citizens is put at the centre.

³ https://ec.europa.eu/competition/ecn/202003_joint-statement_ecn_corona-crisis.pdf

DIGITAL SERVICES

The protection of consumers' privacy and public health must go hand in hand

Measures involving the confidentiality of communications or processing of personal data must be necessary, proportionate, limited in time and aim at being effective against COVID-19. Any agreement with private companies must be transparent, appropriately documented and respect current EU and national rules. Both the General Data Protection Regulation (GDPR) and the ePrivacy Directive are [flexible enough](#) to adapt to the situation.

We welcome Commissioner Reynder's [commitment](#) to put consumers' personal data and privacy as "a priority during the emergency". We commend the Commission to work with the European Data Protection Board (EDPB) to ensure full respect and consistent application and enforcement of EU rules.

Securing full and non-discriminate access to the internet

Connectivity has become even more essential during this pandemic. Partly due to [our members' work](#), some electronic communication companies have adopted consumer-friendly measures, such as providing unlimited offers. The Commission should encourage Member States to guarantee affordable and adequate broadband access for all consumers, particularly those in vulnerable situations.

In cooperation with the Body of European Regulators for Electronic Communications (BEREC), the Commission must closely monitor that EU rules on electronic communications, including on net neutrality are fully respected and enforced consistently.

ENERGY

Ensure all consumers have access to affordable and secure energy supply

Citizens are asked to remain in their homes in order to prevent the spread of COVID-19. As a result of higher energy consumption while being in self isolation, consumers can subsequently face higher energy bills. This will have a negative impact especially on those in vulnerable situations. According to EU data, close to 50 million of EU consumers have difficulties to pay their energy bills and an increasing number of consumers may face difficulties to pay the energy bills to keep their homes warm and lights on.

The European Commission should ensure Member States put in place measures guaranteeing that all consumers have access to affordable and secure energy supply. These measures could include for instance protections against disconnection, flexibility in paying energy bills or discounts.

ENFORCEMENT AND REDRESS

The COVID-19 crisis is affecting many areas of consumer life. Unfortunately, this also includes the increase of unfair practices and fraud, for instance when consumers are being pushed towards products with scientifically unsubstantiated medical properties, to buy goods at exorbitant prices or are not given the full information on their rights once contracts are cancelled. Those practices are often cross-border or Europe-wide infringements of consumer legislation. Consumer associations are working full speed as market watchdogs and warning consumers against such practices. We know that public enforcement authorities are playing their part.

We appreciate very much the European Commission's very quick action to ensure a joint position by the CPC network with regards to unfair commercial practices in the COVID-19 context. It is reassuring that consumer protection authorities are acting rapidly and have requested online platforms to take a much more active role in ensuring that unfair commercial practices and fraud do not proliferate on their websites. We are looking forward to seeing the results of this action and will continue monitoring the online space to be able to report unfair activities towards consumers.

We would appreciate a closer dialogue and cooperation with the Consumer Protection Cooperation (CPC) network and the European Commission on those issues. Indeed, the amended CPC Regulation, that came into force this January, foresees the possibility for consumer associations to be designated by their countries to be able to formally inform the CPC network about breaches of consumer rights (through so called "external alert" mechanism), but with no feedback obligations on the side of the authorities. This lack of dialogue is unfortunate. Consumer associations could become genuine partners in enforcement, especially in the times when resources on both sides will be lower.

In this period of economic turmoil and hardship, it is more important than ever that both consumers and traders can rely on robust enforcement and redress mechanisms, that will ensure that rogue traders will be stripped of their illegal profits and consumers will get their money back if they were frauded. **We ask the European Commission to work with the European Parliament and the Council to quickly reach an ambitious agreement on the Commission proposal for a Directive for representative actions for consumers.** Efficient procedures for representative actions (especially collective redress actions) are sorely missing in many Member States. This situation allows rogue traders to mislead consumers with impunity, but enforcement is particularly relevant in times of a crisis.

Finally, **we ask the European Commission to urge and support the Member States with maintaining and/or building up the necessary resources for enforcement activities.** The economic crisis that might follow the COVID-19 pandemic will put heavy financial constraints on public purses. Making sure that consumer and market surveillance authorities can live up to the challenge will be a key success factor for the recovery.

FINANCIAL SERVICES

Loan repayment

All borrowers in financial difficulties should have the possibility to defer monthly repayments of their mortgage and other credits for at least six months. This should cover the repayment of both the principal and interest, and no additional interest and fee should accrue during the deferment period. The procedure for getting a loan repayment deferral should be fast and hassle-free for consumers and there should be no negative impact on the credit rating of consumers who use this right.

We call on the European Commission to propose an EU-wide measure to this end.

Life insurance payment

Life insurance policies are critically important to consumers, especially in difficult circumstances such as the ongoing epidemic. Consumers often pay monthly premiums for their life insurance policy. While many insurance providers offer the possibility to defer payments in case of financial difficulty, such payment deferral are often down to individual insurer's discretion.

The European Commission should ensure that all insurance policyholders who wish so have the possibility to defer monthly repayments on their life insurance policies.

Solvency of insurers

COVID-19 could have a significant impact on the insurance industry, and there is a risk of insurance firms failing due to rising claims and financial difficulties. Consumers need to be protected in case their insurance firm defaults. Insurance guarantee schemes provide essential compensation for losses to consumers, or ensure the continuation of policies in the event of the insolvency of an insurer. However, rules on insurance guarantee schemes differ significantly between EU Member States, and several countries have no existing schemes in place.

The European Commission should propose harmonised EU rules on insurance guarantee schemes to ensure that consumers are protected in the event of the default of an insurance firm.

Contactless payments

In many Member States the no-PIN contactless card payment limit has been raised to EUR 50. While these measures are justified by higher risk of getting virus via physical contacts, rules should be clarified for the post-COVID-19 period.

The European Commission should consider bringing back the contactless card payment limits to the pre-crisis levels (around EUR 30 in most countries), to mitigate the effects related to possible fraud, notably in case of theft of the card. Consumer could possibly also be allowed to choose their own limit within EUR 50 threshold.

FOOD

Ensuring a steady food supply today whilst reflecting on making food systems more resilient tomorrow

The unprecedented disruptions caused by the COVID-19 outbreak have led many consumers to worry about getting enough food for themselves and their families, reminding us that food security should not be taken for granted. Whilst empty supermarket shelves and price spikes have had more to do with consumer panic buying than real shortages, COVID-19 is strongly impacting the EU's food supply chain and may have a knock-on effect on food availability and prices down the road. BEUC therefore welcomes the actions taken by the Commission to ensure foodstuffs can continue to move freely across the Single Market and to address labour shortages in the agri-food sector. **Looking forward, the European Commission should initiate an EU-wide reflection on bringing the farm closer to the fork:** the COVID-19 crisis has highlighted the limits and weaknesses of globalised and intricate food supply chains. To guarantee the security of the EU food supply in the future, there may be a need to re-localise certain productions and promote shorter supply chains to make food systems more resilient.

Keeping food safe

Food control systems too have been seriously disrupted by COVID-19, forcing the European Commission to provide more flexibility for Member States to carry out food checks – including the possibility, under certain conditions, to resort to staff working for a food business operator to perform food controls. **It will be essential to ensure that these exceptional arrangements last for no longer than necessary and do not put food safety and consumer health at risk.**

No undue delay in making food systems more sustainable

There is a risk that the EU's ambition to make food systems fairer, healthier and more sustainable might be watered down if food *security* is artificially played against food *sustainability*. Calls have already been made by some to delay the Farm to Fork Strategy even further and postpone it until after the summer. Yet, the climate threat will still be there once the COVID-19 crisis is behind us. Making our food systems and eating habits

more sustainable is therefore as urgent as ever. **Therefore, we ask the Commission not to delay the adoption of the Farm to Fork Strategy.**

GREEN DEAL

When the worst of the health crisis will be behind us, we will need to focus on rebuilding our economies. It is important that this happens while being mindful of another crisis affecting people and the planet: the climate crisis. This is why the Green Deal action plan, published last December, has become more important than ever. To keep fighting climate change and preserving our environment, the EU must make its green ambitions a reality.

The implementation of the initiatives listed in the Green Deal should therefore become guiding principles in steering the European economy's recovery. It is crucial that the current crisis will not lead to weakening existing legislation or delaying urgently-needed future initiatives. This is particularly the case in the fields of sustainable finance, renovation of buildings, mobility and food where the implementation of the Green Deal's measures will be critical to bring our societies on a more sustainable path⁴.

HEALTH SERVICES

Lack of attention to affordability in EU research funding for COVID-19 treatments

Developing effective treatments, vaccines and diagnostic tools is urgently needed to tackle the corona virus outbreak. We welcome the European Commission's ambitious support to research on COVID-19 through various instruments, such as Horizon 2020. This will certainly contribute to the availability of vaccines and treatments in the shortest possible timelines.

However, the Commission should commit to promote R&D models that contribute not only to the identification of pharmaceutical responses to COVID-19, but also to their affordability for the European population and its healthcare systems. One way of ensuring affordability is by attaching conditionalities to public research funding: grant agreements could for example also include specific commitments on affordability.

We urge the Commission to [leverage the EU research funding programme and other instruments](#) so COVID-19 diagnostics and therapies are widely available at the lowest possible prices for public healthcare systems and ultimately for EU consumers.

⁴ For more information, see our [letter](#) to Executive Vice-President and our [position paper](#) 'Consumers at the Centre of the Drive to Sustainability – BEUC's view on the European Green Deal'.

COVID-19 exposes the vulnerabilities within our system of supply of medicines

The COVID-19 outbreak exposes the vulnerability of global pharmaceutical supply-chains, triggering sharp price rises and threatening medicines shortages. The Chinese shutdown has **fractured** the industry's supply chain while India at the beginning of March imposed export restrictions on dozens of drugs, including paracetamol and various antibiotics. This lead to fears of a global shortage of essential medicines. Raw material shortages are in turn driving up the cost of medicines, including over-the-counter pain relief medication. In the UK, the price of basic medicines, such as aspirin, ibuprofen and paracetamol has for example reportedly **jumped** by up to 30%, as drug makers demand price increases on the back of raw material shortages triggered by the coronavirus outbreak. Many retailers are moreover limiting the number of boxes of pain relief and children's medication shoppers can purchase. The prospect of medicines shortages in the current crisis is a growing public health threat, affecting consumers' health and their quality of life. This week, the European University Hospital Alliance thus **warned** that hospitals across Europe are rapidly running out of essential drugs for treating COVID-19 patients in intensive care units.

We urgently call on the European Commission to mitigate any impacts of these supply chain disruptions and to work closely with the EU Member States to ensure that existing stocks are distributed evenly across the EU. Given the industry's dependence of global pharmaceutical supply chains, we further urge the Commission to explore how our supply robustness can be enhanced in the medium-term.

Lack of preparedness for the new rules on medical devices

BEUC regrets the decision to propose a delay of the Medical Devices Regulation (MDR). This decision comes just two months before the application date of the new rules which are meant to enhance vigilance, market surveillance and transparency on medical devices. We fully understand that due to the COVID-19 crisis all resources must be pulled towards the resolution of the health emergency. However, the MDR came into force in 2017 and all stakeholders have had three years to make a transition to the new rules. The decision to delay the MDR can therefore only be explained by the fact that the three-year transition period was not used to thoroughly prepare for the new rules. We are concerned that the delay of the MDR may undermine consumer protection in the short run.

We therefore urge the Commission to ensure that the delay of the new rules will not compromise the safety and well-being of patients and consumers. At the same time, we also call on the European Commission to ensure, in cooperation with governments, industry and other involved stakeholders, that the MDR can be diligently implemented and enforced by the new deadline and that further delay is avoided.

PRODUCT SAFETY

Acting on the safety and compliance of products sold online

Market surveillance authorities have already been coordinating efforts to seize counterfeit facemasks, substandard hand sanitizers and unauthorised antiviral medication in a collective action against the illicit online sale of medicines and medical devices. Unfortunately, our member organisations confirm serious problems related to unsafe products sold online. This concerns not only scams⁵ related to the COVID-19 crisis such as using unsupported safety claims on products, selling sub-standard products and asking unjustified high prices. There are also many other areas of consumer products such as toys, textiles, cosmetics and electric appliances which flow into the EU internal market via online marketplaces and which are unsafe for consumers.

We see a risk that Member States due to a lower level of income will be inclined to make even less resources available for market surveillance and laboratory checks – an unfortunate development which we have already observed during the recent economic and financial crisis.

We therefore urge the European Commission to ensure that Member States will not compromise on the supervision and enforcement of the EU-wide safety framework and reinforce their efforts to increase collaboration at EU and global level, including on testing and enforcement.

Making efforts to keep children safe from serious injuries at home

Furthermore, in these times where an enormous part of the European population is confined within their homes, we would like to raise the Commission's attention to the importance of keeping children safe while being at home with their parents. Parents currently try to manage the household, while teleworking and caring for their children who are home-schooling. This may lead to a situation where children are not always under full surveillance and thereby at risk such as for example having access to household chemicals that they could ingest by accident (coloured detergent pods, hand sensitizers with food stuff aroma etc.), unsafe toys, falling hazards in a staircase, pouring a kettle with hot content on them. While all these dangers exist obviously irrespective of the COVID-19 crisis, we fear that parents are currently under particular stress and tension which may lead to a higher number of incidents.

As it is important to keep hospitals free at the moment for the COVID-19 and reduce as much as possible all other emergencies, we would welcome if the **Commission could coordinate an awareness rising campaign with Member States**. There are many guides readily available on what can be done to keep kids safe at home from injuries (e.g. from the [WHO/Unicef](#), [EuroSafe](#), national health or social ministries and poison centers, ECHA as well as child safety organisations).

⁵ <https://press.which.co.uk/whichpressreleases/coronavirus-ebay-and-amazon-failing-to-prevent-sellers-profiteering-on-essentials-during-crisis/>
<https://www.ocu.org/organizacion/prensa/notas-de-prensa/2020/productomilagrocoronavirus200320>

SUSTAINABLE MOBILITY

The European car industry has recently asked for “adjustment” to the “timing” of some EU existing and future EU laws and regulations. While no specific regulation is explicitly mentioned, we are concerned that car makers wish to delay the **enforcement of the 95 g/km car CO₂ target** which starts applying in 2020. Car CO₂ reduction targets are a crucial tool to ensure that consumers have access to more fuel-efficient cars and a wider offer of electric cars, which will benefit their wallets, the climate and public health.

The 2020 CO₂ reduction target has started delivering: since the beginning of the year, we have witnessed a significant drop in CO₂ average emissions of new cars sold as well as an impressive increase of sales of electric cars. It is largely due to the need for carmakers to comply with these stricter emissions rules.

We therefore call upon the European Commission not to delay the enforcement of this regulation.

TRADE

Trade restrictions and impact on consumers

Several countries have introduced restrictions to imports and exports of products. For example India recently banned the export to third countries of active pharmaceutical ingredients. Some European countries depend on such imports to be able to make pharmaceutical products. Other countries like Thailand and Brazil are prohibiting the export of certain medical devices and products like masks and ventilators but also strategic food to prevent domestic shortages. The EU has also recently decided that Member States should ask for authorisation from the Commission before exporting personal protective equipment such as masks to third countries, in order to control the supply and prevent shortages in Europe.

All these measures are understandable during a crisis but the EU and other countries need to keep in mind that they are likely to disrupt the global supply chain. This could lead to increased prices and reduced choices for consumers and even shortages for some products like medicines.

Therefore, we call on the EU to factor in the consumer interest when envisaging trade restrictions. The EU should also discuss with trade partners about the need to build bridges for solidarity rather than building walls. This crisis highlights the need to improve international cooperation to protect consumers.

Transparency in trade negotiations

Some trade negotiations are planned to take place by video-conference or written procedure, for instance in the World Trade Organization, leaving public interest groups like us in the dark about the state of play of the negotiations with less opportunity to give input.

We ask the European Commission to uphold its transparency policy and engagement with public interest groups.

BETTER REGULATION PRINCIPLES / TRANSPARENCY OF DECISION MAKING

We ask the European Commission to do its utmost to uphold good governance standards in these times of crisis, and in particular the transparency obligations.

Many high-level meetings with the European Commission that would normally take place in person are now done with on-line means. We have observed that they are not reported in the transparency register. Likewise, we are worried that emergency measures might not be based on at least a basic stakeholder consultation mechanism or impact assessment due to time pressure. While the latter is comprehensible, we would strongly recommend including feedback from consumer representatives when taking measures affecting European consumers. We have [written to Commissioner Reynders](#) to this end.

CONSUMER ORGANISATIONS CONTRIBUTING TO FIGHTING THE COVID-19 CRISIS

In the fight against COVID-19, consumer organisations play a crucial role in supporting the European population in all their questions, concerns and difficulties due to the pandemic. They inform and support consumers who face difficulties and provide input to national and European regulators on various planned and new initiatives. Our members have been [active on many fronts](#) and were the first to identify consumer implications linked directly or indirectly to the pandemic. They keep on accompanying consumers throughout the crisis to ease their worries and fears.

However, not all of our members have the same resources to address these unexpected challenges and face major difficulties to sustain their mission. Some are even struggling for their survival.

The major problems reported to us by our members are the following:

- While working from home is now the rule in most European countries, many consumer organisations and their staff lack the IT equipment, but also the broadband quality to do so – meaning that the quality of their work, and in particular of their response to consumer requests, is at risk.
- Some of our members, in the most affected countries, see their staff absent due to illness.
- Especially in the less affluent European countries, many consumer organisations work with local advice centers, where consumers visit and also subscribe after a face-to-face contact – these are not possible anymore, leading to a loss of revenue.
- More globally, our members register a loss of subscriptions, because consumers are keen to reduce their expenses, due to loss or fear of loss of income.
- In some of those Member States where consumer organisations rely in total or in part on public funding, there is a legitimate fear that while the organisations are more needed than ever to support consumers, their funding will be either reduced or even discontinued. Indeed, experience has demonstrated that in times of economic hardship, such as the period following the recent financial crisis, public consumer protection budgets were among the first to be sacrificed.

The European Union could contribute in different ways to the sustainability of the financially more fragile representatives of the consumer movement. The EU might want to envisage a tender for an EU-wide consumer rights campaign linked to the pandemic (including the delivery of a free consumer hotline); consumer organisations in those countries where the digital infrastructure is less developed would benefit of funding to contribute to their digitalisation.

Therefore, we recommend the European Commission to introduce an EU financial support programme to contribute to funding selected activities by consumer organisations linked to supporting consumers in coping with the implications of COVID-19

END