

The Consumer Voice in Europe

STEPPING UP THE ENFORCEMENT OF CONSUMER PROTECTION RULES



Contact: Alexandre Biard - consumerredress@beuc.eu

BUREAU EUROPEEN DES UNIONS DE CONSOMMATEURS AISBL | DER EUROPÄISCHE VERBRAUCHERVERBAND
Rue d'Arlon 80, B-1040 Brussels • Tel. +32 (0)2 743 15 90 • www.twitter.com/beuc • www.beuc.eu
EC register for interest representatives: identification number 9505781573-45



Co-funded by the European Union

Ref: BEUC-X-2020-083 - 11/09/2020

About this report

Consumer organisations play a pivotal role in the enforcement of consumer rights in Europe. As market watchdogs, they contribute to detect, signal, and raise awareness about unfair market practices. They may bring legal actions to stop infringements, claim compensation on behalf of harmed consumers, and assist public authorities in their enforcement activities. However, enforcement still very much remains a national competence, closely related to national judicial and procedural law and shaped by domestic contexts.

Building on a survey gathering responses from 26 consumer organisations from 22 countries, this report sheds light on the enforcement actions and strategies of consumer organisations across Europe. It highlights how consumer organisations have been using the enforcement toolbox at their disposal and the challenges that they have been experiencing in such circumstances. The study comes up with 32 recommendations to step up the enforcement of consumers rights in Europe. As the COVID-19 outbreak has confirmed once again, public and private enforcement should go hand-in-hand and be closely coordinated to strengthen consumer protection.

This report and its recommendations aim to fuel ongoing EU initiatives (in particular, the forthcoming discussions on the new EU Consumer Agenda and the upcoming implementation of the Directive on Representative Actions for Consumers at national level). Ultimately, they intend to step up the enforcement of consumer rights and to develop a strong enforcement culture across Europe.

Table of Contents

| | |
|---|-----------|
| 1. Introduction | 4 |
| 1.1. The enforcement of consumer rights by consumer organisations | 4 |
| 1.2. BEUC initiatives to support the enforcement actions of its member organisations ... | 6 |
| 1.3. The survey: objectives, participants & methodology..... | 6 |
| 1.3.1. Objectives: taking stock and contributing to ongoing EU initiatives | 6 |
| 1.3.2. Participants | 7 |
| 1.3.3. Methodology & limits | 9 |
| 2. The enforcement toolbox of consumer organisations | 10 |
| 2.1. Overview: sectors and typology of actions | 10 |
| 2.2. Contributing to public enforcement | 11 |
| 2.2.1. Overview | 11 |
| 2.2.2. Role of authorities in allowing or facilitating compensation for consumers | 12 |
| 2.2.3. Views on the cooperation between consumer organisations and enforcement authorities | 12 |
| 2.2.4. Enhancing cooperation between consumer organisations and authorities | 15 |
| 2.3. Acting before courts: injunction actions and collective actions for compensation.... | 15 |
| 2.3.1. Actions before courts: generalities | 15 |
| 2.3.2. Actions for injunction | 16 |
| 2.3.3. Actions for injunction in cross-border cases | 17 |
| 2.3.4. Collective redress action for compensation | 18 |
| 2.4. Consumer ADR/ODR | 22 |
| 2.4.1. Role of consumer organisations in consumer ADR | 22 |
| 2.4.2. General opinion on consumer ADR | 22 |
| 2.4.3. Procedural design of consumer ADR bodies | 24 |
| 2.4.4. Consumer awareness and information | 24 |
| 2.4.5. Consumer ADR for solving cross-border disputes | 26 |
| 2.4.6. Consumer ADR for solving mass disputes | 26 |
| 2.4.7. Traders' participation in consumer ADR | 26 |
| 2.4.8. Publication of decisions, "naming & shaming" | 28 |
| 2.4.9. Channelling consumers to the EU ODR Platform | 29 |
| 2.5. 'Soft' enforcement techniques: engaging with traders and launching media campaigns | 29 |
| 2.5.1. Engaging with traders bilaterally | 29 |
| 2.5.2. Launching media campaigns | 30 |
| 3. Stepping up the enforcement of consumer rights: recommendations | 31 |
| 3.1. Establishing a stronger enforcement culture adapted to new challenges | 31 |

| | |
|--|--------|
| 3.2. Strengthening public enforcement through enhanced cooperation between consumer organisations and public authorities | 33 |
| 3.3. Developing a supportive ecosystem for court actions by consumer organisations, including in cross-border contexts | 35 |
| 3.4. Upgrading the consumer ADR/ODR framework | 36 |
| 3.5. Strengthening consumer organisations' capacities | 37 |
| 3.6. Exploring the relevance and added value of new technologies for stepping up consumer protection | 37 |
| 3.7. Upgrading EU private international law instruments to ensure the effective resolution of cross-border mass claims. | 38 |
| Other relevant BEUC publications: | 40 |

1. Introduction

1.1. The enforcement of consumer rights by consumer organisations

In its Communication “A new deal for consumers” of April 2018, the European Commission pointed out that “since 1987, the EU has had the strictest rules on consumer protection in the world, with a comprehensive set of consumer rights in place today”.¹ Yet in practice, law remains as strong as its enforcement system: rules are only useful if they are applied and if consumers can obtain redress when they are breached. Insufficient or inadequate enforcement of consumer rights has been the Achilles heel of EU law for too many years. This has resulted in many frauds and illegal behaviour remaining unaddressed and in consumers not being compensated in case of harm.

The effective enforcement of consumer rights is essential to build trust, to prevent harmful market practices and to ensure that the EU Single Market fully delivers its potential to consumers and traders. Several public and private actors acting both at the EU and national levels oversee the enforcement of consumer protection rules. Over the past decades, the EU has **provided consumer organisations with a set of tools to enforce consumers’ rights**. In 2009, the injunction directive² allowed Qualified Entities (including consumer organisations) to start actions for injunction in all Member States for the purposes of terminating or prohibiting infringements that are contrary to the collective interests of consumers. In 2013, the consumer ADR Directive³ upgraded the regulatory framework applying to consumer alternative dispute resolution bodies and strengthened the role of consumer organisations in this area. In 2018, the “new deal for consumers” package⁴ included a proposal for a directive on representative actions for consumers,⁵ which will give Qualified Entities like consumer organisations the possibility to bring collective actions for the purpose of compensating consumers involved in mass harm situations.⁶ Since January 2020 and the entry into force of the new Consumer Protection Cooperation Regulation (“CPC Regulation”)⁷, consumer organisations may also be eligible to send “external alerts” to the EU CPC network. This tool allows them to signal cross-border frauds and infringements to national enforcement authorities.⁸ Furthermore, the European Commission and the national CPC authorities may also seek the views of consumer organisations on the commitments proposed by the trader responsible for the infringement.⁹

“Consumer organisations play an essential role in informing consumers about their rights and educating them and protecting their interests, including the settlement of disputes”

EU CPC Regulation, Recital 34

¹ COM/2018/0183 final, 11 April 2018.

² Directive 2009/22/EC of 23 April 2009 on injunctions for the protection of consumers’ interests.

³ Directive 2013/11/EU of 21 May 2013 on alternative dispute resolution for consumer disputes.

⁴ COM/2018/0183, 11 April 2018.

⁵ 2018/0089(COD), 11 April 2018.

⁶ On 22 June 2020, EU negotiators finally reached a political deal on the directive. The directive has still to be formally adopted by the EU Parliament and the Council (www.europarl.europa.eu/news/en/press-room/20200619IPR81613/new-rules-allow-eu-consumers-to-defend-their-rights-collectively).

⁷ Regulation 2017/2394 of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws (“CPC Regulation”).

⁸ Art. 27 of CPC Regulation. As of June 2020, the following entities had been designated as entities eligible to make CPC external alerts: Altroconsumo (Italy), Alco (Lithuania), UFC-Que Choisir (France), CLCV (France), Sveriges Konsumenter (Sweden), EKPIZO (Greece), Kuluttajaliitto-Konsumentförbundet ry (Finland), OCU (Spain) and BEUC.

⁹ Art.20 of CPC Regulation.

As market watchdogs, consumer organisations contribute to detect, signal, and raise awareness about abusive and unfair market practices. Where necessary, they may bring legal actions to stop infringements and, in some countries, can also claim collectively compensation on behalf of harmed consumers. Ultimately, they also assist public authorities in their enforcement activities.

The EU enforcement toolbox*

* This overview focuses on the EU level. Additional instruments may be available at national levels.

| | Judicial/court procedures | | Consumer ADR/ODR | Actions by public authorities |
|---------------------|--|--|---|-------------------------------|
| Main EU instruments | Injunction directive ¹⁰ Regulation on the European small claim procedure ¹¹ Regulation on the European order for payment procedure ¹² Regulation on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ('Brussels I bis') ¹³ | Recommendation on common principles for injunctive and compensatory collective redress mechanisms ¹⁴ Proposal for a directive on representative actions for the protection of the collective interests of consumers. | Directive on consumer ADR ¹⁵ ODR regulation ¹⁶ Recommendations on ADR ¹⁷ | CPC regulation ¹⁸ |

However, several important gaps and loopholes remain in practice. First, given the complexity and the costs associated with such actions, only a handful of consumer organisations has sufficient resources to take up enforcement actions. The size, capacities, and resources of consumer organisations vary significantly across Europe, and this situation has important consequences on their enforcement strategies. Only few of them are sufficiently equipped to deal with the ever-changing nature of rogue market practices increasingly taking place globally and with a digital dimension. Second, despite the existing EU enforcement toolbox, the enforcement of consumer rights still very much remains a national competence strongly shaped by domestic contexts. EU Member States rely on different mixes of public and private techniques for enforcing consumer rules. For example, some Member States principally rely on public bodies while others have delegated enforcement actions to private entities, including consumer organisations.

¹⁰ Directive 2009/22/EC of 23 April 2009 on injunctions for the protection of consumers' interests.

¹¹ Regulation 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.

¹² Regulation 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order or payment procedure.

¹³ Regulation 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ('Brussels I').

¹⁴ Commission Recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States.

¹⁵ Directive 2013/11/EU of 21 May 2013 on alternative dispute resolution for consumer disputes.

¹⁶ Regulation 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes.

¹⁷ Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes and Commission Recommendation of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes

¹⁸ Regulation 2017/2394 of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

In a context of budgetary constraints, and as the COVID-19 outbreak one more time showed, consumer protection requires today a close collaboration and coordination between public and private enforcement in order to fight illegal practices and to ensure that consumers can effectively obtain redress in case of harm.

1.2. BEUC initiatives to support the enforcement actions of its member organisations

BEUC has conducted several studies in the field of consumer law enforcement. In 2009, the Consumer Law Enforcement Forum (“CLEF”) project focused on the role of consumer organisations in public and private enforcement. The project intended to support consumer organisations when developing strategies on how to engage in enforcement both at national and European levels, and to improve their knowledge of the existing enforcement tools. The CLEF project came up with guidelines on consumer redress.¹⁹ In 2011-2013 and in 2014-2016, the Consumer Justice Enforcement Forum projects (“CoJEF” 1 and 2) investigated enforcement problems through several case studies and exchanges with national consumer organisations.²⁰ It is noteworthy that many of the issues raised in the present report are not new and were already highlighted in these previous studies. This situation shows that the progress needed to improve the enforcement of consumer rights in Europe continues to be slow.

In parallel, BEUC is also active on the field. It coordinates European-wide enforcement actions among its member organisations and support their actions via its Enforcement Programme funded by the European Union. BEUC has also officially been designated as an entity eligible to send “external alerts”²¹ to the CPC network which gathers consumer and market authorities throughout the EU.

In addition, BEUC regularly publishes reports taking stock of the experience with various EU enforcement systems. For example, in August 2020, BEUC published a report on the 2-year experience with the GDPR enforcement system from the standpoint of consumers and national consumer organisations.²² In September 2019 and 2020, BEUC published several reports on the Volkswagen “Dieselgate” in order to raise awareness on the loopholes plaguing public and private enforcement systems and preventing EU consumers from obtaining compensation.²³

1.3. The survey: objectives, participants & methodology

1.3.1. Objectives: taking stock and contributing to ongoing EU initiatives

This report investigates the enforcement strategies and actions of consumer organisations operating in various contexts and under different domestic constraints across Europe. It explores how consumer organisations have been using the enforcement toolbox at their disposal, which notably includes injunction actions, collective actions for compensation (where available), consumer ADR/ODR, or complaints to public enforcement authorities. It also covers ‘soft’ enforcement techniques, such as bilateral dialogues with traders and

¹⁹ See www.mpo.cz/assets/dokumenty/40585/45442/550298/priloha001.pdf

²⁰ See www.beuc.eu/publications/beuc-x-2015-012_enforcement_and_cojef_factsheet.pdf and the results of the CoJEF 2 project: www.beuc.eu/publications/beuc-x-2016-051_cojef_ii-enforcement_of_consumer_rights.pdf

²¹ Art. 27 of CPC Regulation.

²² See [The long and winding road: Two years of the GDPR: A cross-border data protection enforcement case from a consumer perspective](#), 5 August 2020.

²³ [Five years Dieselgate: a bitter anniversary, September 2020](#); and [Volkswagen Dieselgate four years down the road, September 2020](#); [Volkswagen Dieselgate four years down the road, September 2019](#).

media campaigns. The report highlights the practical problems and challenges that consumer organisations have been experiencing in this respect. Building on these findings, it comes up with several recommendations to strengthen the enforcement of consumer rights in Europe.

This report and its associated recommendations aim at fuelling current EU initiatives, including the ongoing discussions on the new EU Consumer Agenda²⁴ and the forthcoming implementation of the directive on representative actions for consumers at national level. This report will also be insightful in the context of the long-term Action Plan for better implementation and enforcement of Single Market rules published by the European Commission in March 2020.²⁵ Finally, this report will hopefully fuel discussions on the need to review the consumer ADR/ODR framework²⁶ and on the necessity to strengthen the collaboration between consumer organisations and authorities at EU and national levels.

1.3.2. Participants

The survey was distributed to all consumer organisations belonging to BEUC network. 26 consumer organisations representing 22 countries participated. The profiles of the participating organisations differ significantly:²⁷

- Some participants are confederations or umbrella organisations representing several consumer organisations. This is the case for Consumatori Italiani per l'Europa (CIE) in Italy, Confederacion de Consumidores y Usuarios (CECU) in Spain, the Consumers' Organisation of Macedonia (Organizacija na potrosuvacite na Makedonija - COM) in North Macedonia or Verbraucherzentrale Bundesverband (vzbv) in Germany.
- Some participants have been active in the defence of consumer interests for several decades (e.g. since 1951 for UFC – Que Choisir in France, 1953 for Consumentenbond in the Netherlands and Forbrukerrådet in Norway, 1957 for Which? in the UK, 1961 for Verein für Konsumenteninformation (VKI) in Austria, 1966 for the Consumers' Association of Ireland (CAI), while others were established more recently: 1998 for Association Active Consumers in Bulgaria (Асоциация Активни потребители – BNAAC), 1999 for the Latvia Consumer Association (Latvijas Patērētāju interešu aizstāvības asociācija – LPIAA) or 2010 for CIE in Italy.
- The resources and human capacities of the participants vary significantly. Some organisations have large human capacities with up to 200 staff members (including for testing activities) while others struggle to have 1 staff on a permanent basis.
- Some participants are exclusively financed through their own incomes (e.g. resources coming from membership fees and/or the selling of specialised magazines and brochures) while others also benefit from public funding (governmental subsidies and/or EU grants).

²⁴ EU Commission, New Consumer Agenda, Roadmap – June 2020 (<https://ec.europa.eu/info/law/better-regulation/>).

²⁵ COM (2020)94 final, 10 March 2020.

²⁶ COM/2019/425 final, September 2019.

²⁷ For additional information, www.beuc.eu/beuc-network/our-members

Participants:

| Country | Name of the organisation (and websites) | Acronym |
|--|---|---------|
|  AT | Arbeiterkammer* | AK |
|  IT | Altroconsumo* | AC |
|  LT | Alliance of Lithuanian Consumers' Organisation** (<i>Lietuvos vartotojų organizacijų aljansas</i>) | ALCO |
|  RO | Asociația Pro Consumatori* | APC |
|  BG | Bulgarian National Consumers Association* (<i>Асоциация Активни потребители</i>) | BNAAC |
|  ES | Confederación de Consumidores y Usuarios* | CECU |
|  IT | Consumatori Italiani per l'Europa** | CIE |
|  IR | Consumers' Association of Ireland* | CAI |
|  MT | Consumers' Association Malta * (<i>Ghaqda Tal-Konsumaturi</i>) | CAM |
|  MK | Consumers' Organisation of Macedonia** (<i>Organizacija na potrosuvacite na Makedonija</i>) | COM |
|  NL | Consumentenbond* | CB |
|  CY | Cyprus Consumers' Association * (<i>Kypriakos Sundesmos Katanaloton</i>) | CCA |
|  PT | DECO* | DECO |
|  CZ | dTest* | dTest |
|  GR | EK.PI.ZO* | EKPIZO |
|  NO | Forbrukerrådet* | FBRNO |
|  GR | KEPKA* | KEPKA |
|  LV | Latvia Consumer Association* (<i>Latvijas Patērētāju interešu aizstāvības asociācija</i>) | LPIAA |
|  ES | Organización de Consumidores y Usuarios* | OCU |
|  SK | Spoločnosť ochrany spotrebiteľov* | S.O.S |
|  SE | Sveriges Konsumenter* | SK |
|  FR | UFC-Que Choisir* | UFC |
|  DE | Verbraucherzentrale Bundesverband* | Vzbv |
|  AT | Verein für Konsumenteninformation* <i>www.konsument.at</i> | VKI |
|  UK | Which?* | Which? |
|  SI | Zveza Potrošnikov Slovenije* | ZPS |

* BEUC full member

** BEUC affiliate member

1.3.3. Methodology & limits

The survey was conducted online in 2018-2019. Consequently, several changes may have happened between the data collection period and the writing of the final report in 2020. For example, the budgets allocated to enforcement activities may have been reduced or increased, or new legislations may have been adopted strengthening (or weakening) **participants'** enforcement activities.²⁸ In addition, external events - such as the COVID-19 outbreak (see below) - may have influenced the enforcement actions and strategies of the participants.

BEUC members' actions during the 2020 COVID-19 outbreak

BEUC member organisations have been very active during the COVID-19 outbreak to ensure that the rights of EU consumers were duly respected. Among others, they launched information campaigns, assisted individually thousands of consumers, created new digital tools to report scams or to collect consumer complaints, submitted complaints to public authorities, conducted market research and studies to further understand the consequences of the crisis for consumers, represented the voices of consumers before European and national authorities or started legal actions before courts.

Among many examples:

- **UFC Que-Choisir** (France) started a legal action against 20 airlines for obstructing the right to reimbursement for passengers on cancelled flights.
- **Which?** (UK) and **Test Achats / Test Aankoop** (Belgium) launched free online scam alert services.
- **Altroconsumo** (Italy) alerted the Italian Competition Authority (AGCM) about misleading claims on Amazon and E-bay and on increases in the prices of medical devices and disinfectant products. As a follow-up, the AGCM started investigations.
- **vzbv** (Germany) started actions against traders selling products with limited availability (e.g. toilet paper, masks, disinfectants) at exorbitant prices.
- **BEUC** made use of the CPC external alert system for the first time and asked authorities to investigate and to take measures against the unfair practices of multiple airlines regarding the cancellation of flights.

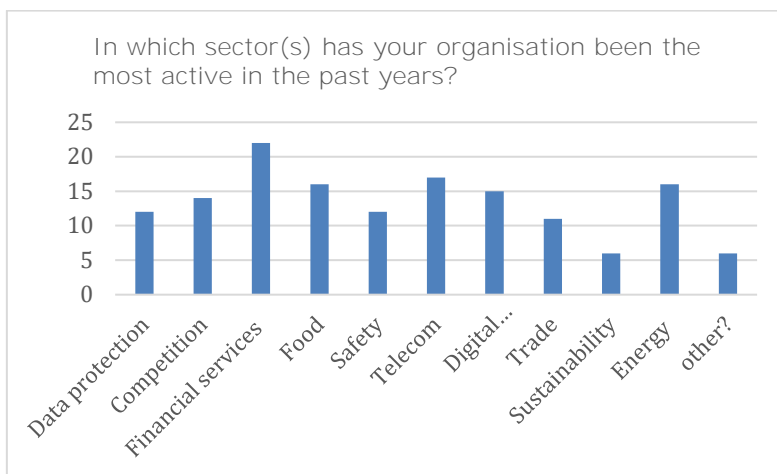
²⁸ For example, a new law on collective redress entered into force in January 2020 in the Netherlands.

2. The enforcement toolbox of consumer organisations

2.1. Overview: sectors and typology of actions

The three sectors where consumer organisations have been the most active in the past few years are (1) the financial services sector, (2) the telecom sector and (3 *ex aequo*) the energy and food sectors. Digital and protection digital rights came at the fourth position. **Under the category “other”, participants indicated pharmaceuticals/health and transports.**

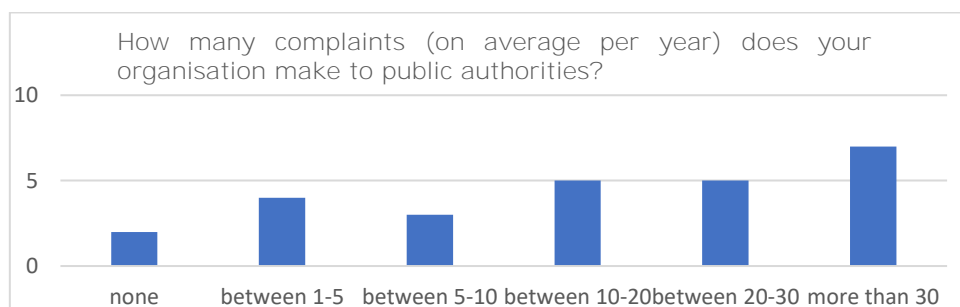
When detecting market abuses or deceptive practices, a majority of participants indicated that they are more likely to make complaints to their national enforcement authorities or to engage directly with the traders than to start court litigation. Given the costs and the risks associated with court actions, participants tend to initiate court proceedings less frequently. Court actions remain also exceptional in cross-border contexts.



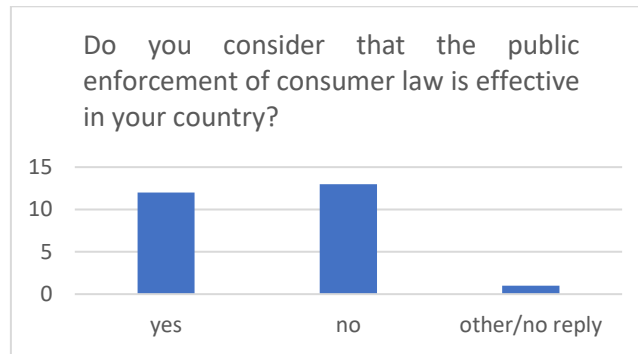
2.2. Contributing to public enforcement

2.2.1. Overview

Complaints to national authorities is a tool commonly used by nearly all participants. However, their frequencies vary significantly across participants: from 30 or more complaints on average per year for organisations like DECO in Portugal or Altroconsumo in Italy, 20 to 30 complaints for Which? in the UK, OCU in Spain or EKPIZO in Greece, and 5 to 10 complaints per year for Consumentenbond in the Netherlands, FBRNO in Norway, UFC-Que Choisir in France or BNACC in Bulgaria. Participants submitted complaints in a broad range of sectors. The highest number of complaints targeted the financial, food and telecom sectors.

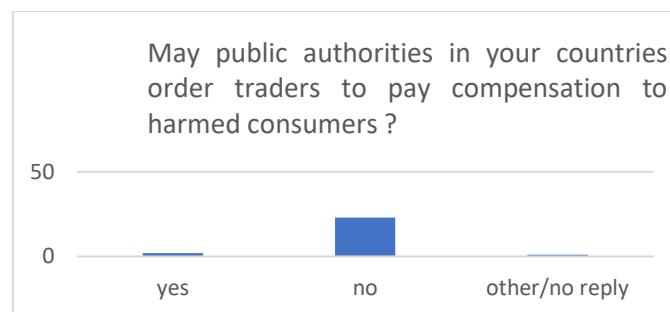


Participants have mixed views about the effectiveness of public enforcement in their respective countries. Several participants highlighted that some public authorities tend to be more proactive, receptive, or effective than others. Participants also pointed out that many authorities still do not have sufficient resources or may not be properly equipped to conduct their work effectively. In some cases, participants also highlighted an unclear sharing of competences between enforcement authorities to fight certain unfair cross-sectoral market practices and the absence of cooperation and coordination among authorities within a same country.



2.2.2. Role of authorities in allowing or facilitating compensation for consumers

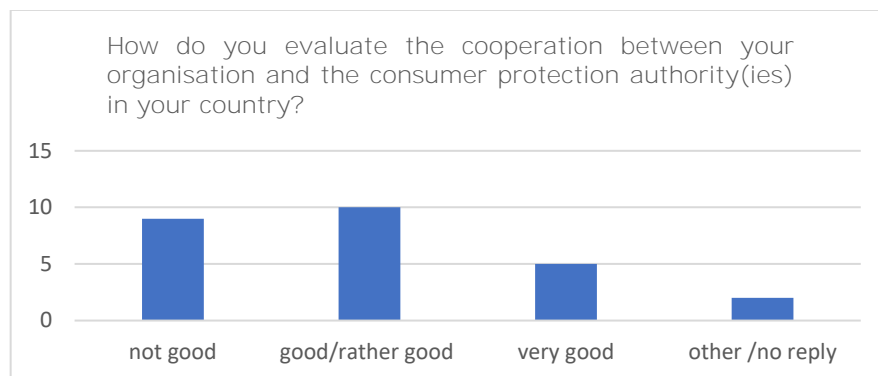
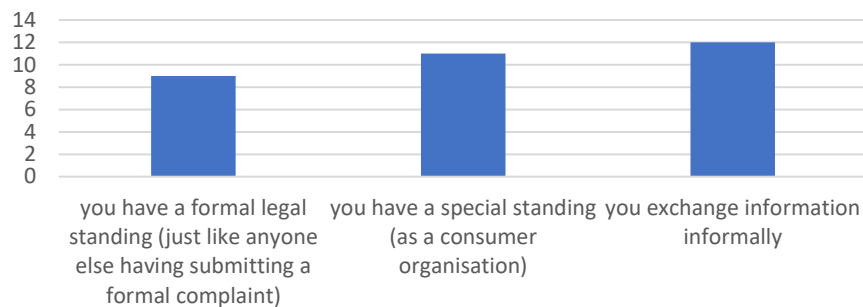
Most participants indicated that their public authorities are not entitled to order rogue traders to compensate consumers directly. However, in a few countries, authorities may facilitate the compensation process. For example, in Latvia, when deciding on the amounts of the fine, authorities may consider whether the company has compensated harmed consumers. In other countries, companies may accept written commitments in which the authority may push for the obligation to compensate consumers.



2.2.3. Views on the cooperation between consumer organisations and enforcement authorities

Once they have submitted a complaint to an authority, some participants benefit from special rules facilitating their legal standing or benefit from **“fast-track” review procedures** (e.g. BNAAC in Bulgaria). A few have also established collaboration arrangements with enforcement authorities. For example, in the Netherlands, Consumentenbond has concluded a formal agreement with the Dutch Authority for Consumers and Markets (ACM). However, this situation remains rare and many participants still do not benefit from such arrangements.

How would you qualify your role/position with the Authority once a complaint has been submitted?



Participants have nuanced views about the effectiveness of their cooperation with public enforcement authorities. They notably raised the following concerns:

- There is **still insufficient transparency** about the work conducted by the authority.
- Many consumer organisations still **do not receive feedback from enforcement authorities**. For example, many participants neither know whether the authority has ultimately decided to open an investigation once deceptive practices have been reported, nor have information about the outcome of the investigation when the case has been closed.
- Complaints submitted by consumer organisations to authorities are sometimes dismissed because they are not **aligned with the authority's policy agenda or priorities**.
- Some authorities do not acknowledge the added value of consumer organisations and still regard them as **"trouble-makers"** merely adding an extra burden to their workload.
- Authorities sometimes fail to publicly acknowledge or **to give credit to the work conducted by consumer organisations**, in particular when this preparatory work has facilitated their interventions afterwards.
- There are still **no clear contact points or effective communication channels established within the authorities to facilitate exchanges**.

Some examples of institutionalised cooperation between consumer organisations and national enforcement authorities

- **In the Netherlands,** Consumentenbond and the Authority for Consumers and Market (Autoriteit Consument & Markt - ACM) have signed a collaboration protocol, which includes informal monthly exchanges about important signals, consultations on external communication, a confidentiality agreement, and the provision of regular feedback. In addition, Consumentenbond benefits from an “interested party status” allowing it to object to or to agree with the decisions of the ACM in court. Consumentenbond can also send a formal enforcement request to the ACM to which the ACM has then an obligation to respond.
- **In the UK,** the “super-complaints” mechanism allows “designated consumer bodies” (including Which?) to make complaints to regulators when market problems are identified and significantly harm consumers’ interests. The regulator is then obliged to investigate the complaint and to respond within 90 days.

Cooperation between EU enforcement authorities and consumer organisations under the revised CPC regulation: some improvements but still no quantum leap

The new CPC regulation acknowledges the role of consumer organisations and formalises the possibility for eligible entities to send external alerts to the CPC network when they detect unfair market practices. As of August 2020, only 8 consumer organisations (including BEUC) had been appointed as eligible entities.

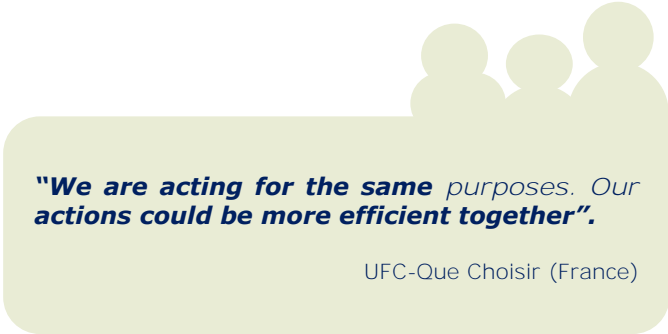
Regrettably, the CPC regulation does not create an obligation for the authorities neither to respond to such alerts nor to take action. As such, the CPC provides promising tools to co-operate and thus has a big enforcement potential. It will now depend on the authorities and the European Commission to exploit these new possibilities. BEUC and our member organisations will continue to provide authorities with information on widespread infringements of consumer rights. We hope that in all countries, national authorities will work closely with consumer organisation. As we can see from current practice, those national authorities who already do so can be counted amongst the most successful and active public enforcers.

The argument of the secrecy of investigations is often raised as one of the main barriers preventing closer collaboration between authorities and consumer organisations. This issue is however not unsurmountable and could be solved via confidentiality agreements or similar means.

2.2.4. Enhancing cooperation between consumer organisations and enforcement authorities

Participants came up with several suggestions to strengthen cooperation with enforcement authorities:

- **Effective communication channels should be introduced between authorities and consumer organisations.** One participant suggested to create a “rapid alert” mechanism allowing consumer organisations to warn public authorities when they detect frauds or illegal behaviour.
- **Authorities should consider changing their approach and be more receptive to the work carried out by consumers organisations.**
- **Better coordination and increased integration of consumer organisations into the enforcement activities of public authorities could be beneficial for both authorities and consumer organisations.** As UFC-Que Choisir in France highlighted, “we are acting for the same purposes. Our actions could be more efficient together”.



“We are acting for the same purposes. Our actions could be more efficient together”.

UFC-Que Choisir (France)

2.3. Acting before courts: injunction actions and collective actions for compensation

2.3.1. Actions before courts: generalities

Most participants (n=21) have started actions before courts against rogue traders. However, for several of them, court actions tend to remain rare and rather exceptional (e.g. CAM in Malta, KEPKA in Greece). Five respondents (CAI in Ireland, ALCO in Lithuania, SK in Sweden, COM in North Macedonia or CCA in Cyprus) have not launched court actions at all. Among those participants who initiated court actions, many (n=14) brought both collective or individual court cases depending on the circumstances. A few brought only individual cases (e.g. APC in Romania, LPIAA in Latvia) or only collective cases (e.g. Altroconsumo in Italy, DECO in Portugal or CECU in Spain).

The participants identified the length of the proceedings, the limited financial resources available, the uncertainty associated with the procedure and the outcomes, issues relating to the preservation of evidence by consumers, and the lack of internal expertise forcing consumer organisations to ultimately rely on external counsels as being the main obstacles preventing them from starting court actions.

All participants carefully select the cases brought to courts. Most of them want to create legal precedents and to clarify unsettled legal issues. As FBRNO in Norway pointed out, **“we call these cases “principle-based” cases seeking not only compensation for individual consumers (or group of consumers) but also, in a preventive manner, to restrict harmful business practices and to establish legal clarity”**. In Greece, EKPIZO filed several lawsuits which resulted in several legal precedents clarifying unsettled consumer issues.

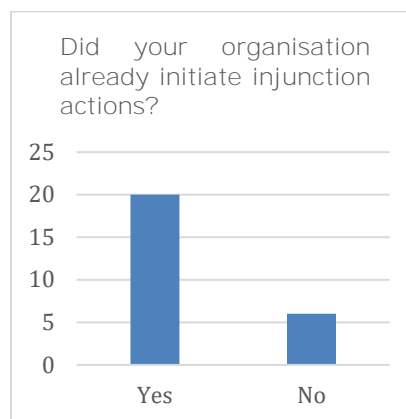
2.3.2. Actions for injunction

Nearly all participants have legal standing in their respective jurisdictions to start actions for injunction (depending on local circumstances, injunctions may be issued by courts and/or public enforcement authorities). Out of 26, 20 participants have already initiated actions for injunction. One of the main reasons explaining why some respondents (although entitled to do so) never initiated actions for injunction relate to a lack of capacities and the fact that starting injunction actions may not be perceived as a priority given the limited resources of the organisation. In very rare cases, pre-bilateral discussions with the trader were also enough to solve the identified problems.

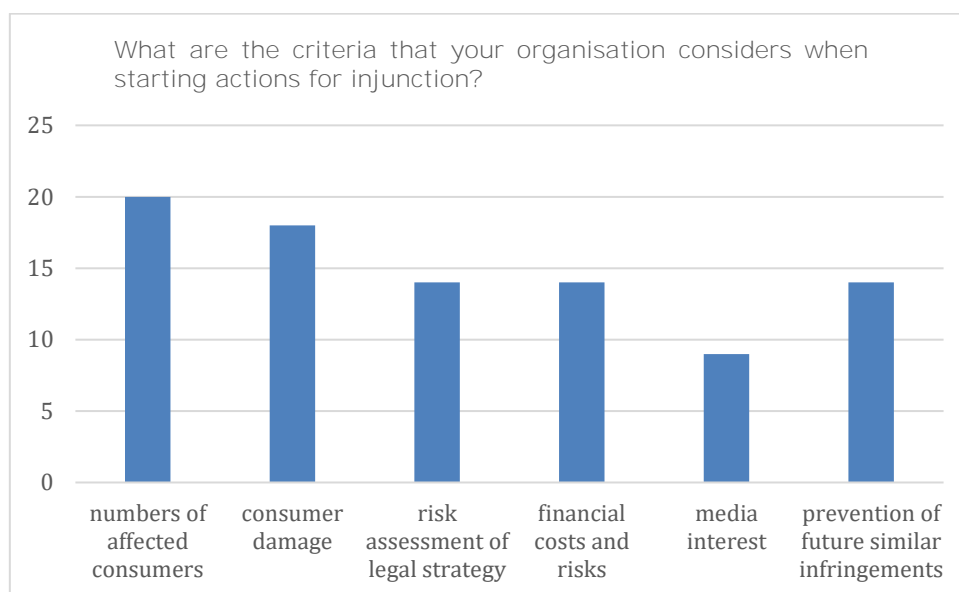
On average, the cost of an action for injunction amounts to approximately **€12.000 for the organisation. This amount includes lawyers’ and experts’ fees** and, where applicable, also court fees. However, these costs vary significantly among respondents and very much depend on the characteristics and length of the cases, and on whether the action is brought before a public enforcement authority or before a court (some participants indicated that injunction actions before their public enforcement bodies were free of charge). In some complex cases, the legal costs (including court fees) for consumer organisations went up **to € 30.000- € 35.000** (in particular when the consumer organisation lost the case).

On average, it takes approximately up to two or three years to obtain an injunction. However, here again, this figure is subject to several caveats and depends on the particularities of each case (e.g. the complexity of the case, possible appeals). In some circumstances, obtaining an injunction may take up to five or six years. Actions for injunction before courts usually take longer than before public authorities where a couple of months may be sufficient (again, this however strongly depends on the case complexity and the behaviour of the authority when reviewing the case).

On average, the number of actions for injunctions filed per year varies significantly among respondents. Some organisations file between 2 or less actions (e.g. APC in Romania, d-Test in Czech Republic, CAM in Malta or BNAAC in Bulgaria), 3 to 5 actions (e.g. EKPIZO in Greece, CECU in Spain), 5 to 20 (e.g. UFC in France, SOS in Slovakia), 20 to 50 (e.g. Consumentenbond in the Netherlands, OCU in Spain), 50 to 100 (e.g. vzbv in Germany) or more than 100 (e.g. VKI in Austria). The fact that consumer organisations in Germany and Austria are also tasked with the public role of enforcement may explain the higher number of injunctions actions lodged in these two countries.



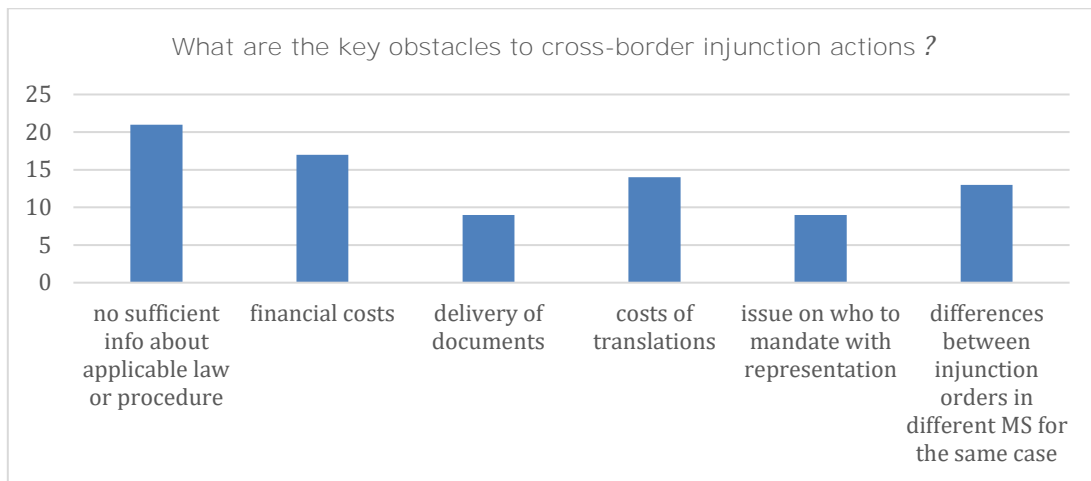
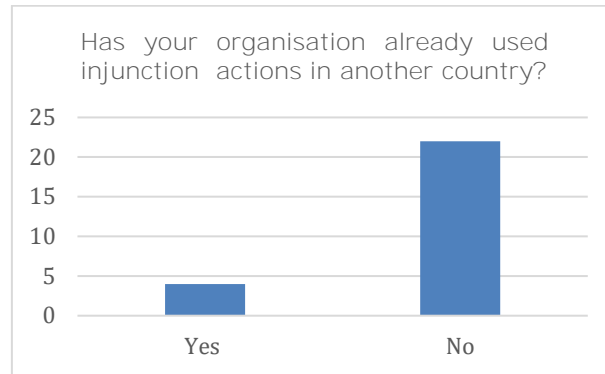
When starting actions for injunction, participants first consider the number of affected consumers and the nature of the damage. Other criteria - such as a risk assessment of the legal strategy, the financial costs, the prevention of future similar infringements or (but to a lesser extent) media interest in the case may also play a role in their litigation strategies. Participants also mentioned the gravity of the infringement and whether **trader's** illegal behaviour was clearly intentional. Some participants also considered the size and the market power of the trader or the necessity to bring legal actions to support their policy works.



2.3.3. Actions for injunction in cross-border cases

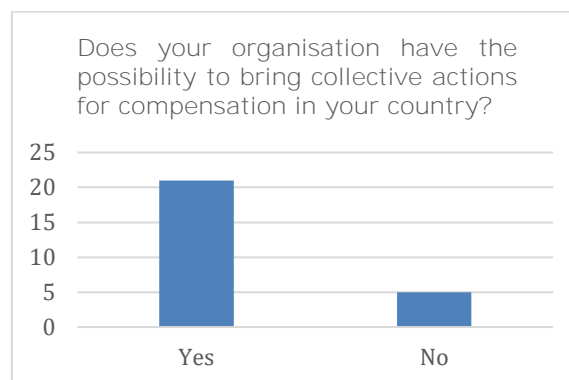
Very few respondents have been abroad to start injunction actions in other countries. Participants usually sue foreign traders before their national courts.²⁹ The main obstacles preventing consumer organisations from suing traders abroad are, first, the absence of information about the applicable law and local procedures and, second, the financial costs involved in cross-border actions. Participants also reported problems with the execution of decisions delivered by foreign jurisdictions.

²⁹ This finding is in line with an earlier evaluation of the directive by the European Commission, which already highlighted that one of the main objectives of the EU injunction Directive - namely facilitating injunction actions in a cross-border context - had not been achieved in practice (SWD(2017) 209 final, 23 May 2017, highlighting: "the injunction procedure had been largely used for national infringements but had had a much more limited impact on cross-border infringement" - p.12).

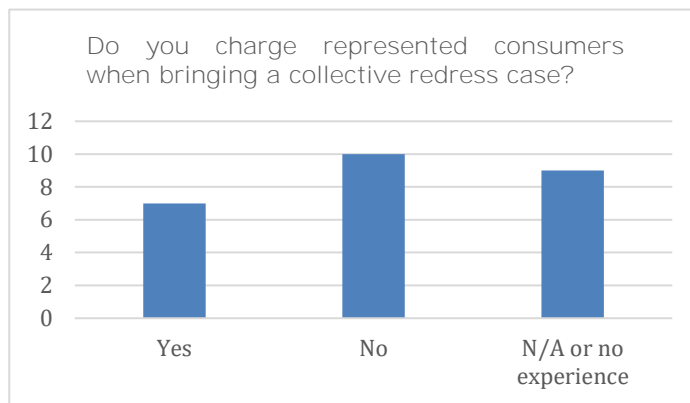


2.3.4. Collective redress actions for compensation

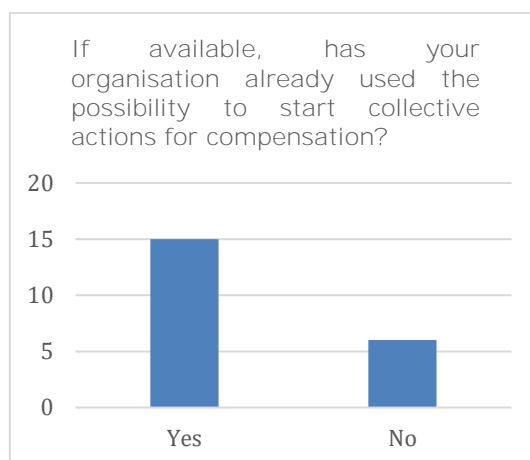
Not all respondents have the possibility to start collective actions for the purpose of compensating consumers involved in mass harm situations (e.g. this is for instance not possible in Estonia or Latvia).



Where available, the procedural design of collective redress instruments varies **significantly**. Some are based on “opt in”³⁰ or “opt out”³¹ systems, or on a combination of both opt in and opt out systems depending on the circumstances.³² Most respondents do not charge anything when representing consumers. Those charging consumers may require the payment of minimum membership fees or modest amounts to cover the costs of the proceedings.



Several participants reported that they have not initiated collective redress actions even though they may be entitled to do so. This is because they may have concerns about the complexity of these instruments or have doubts about their overall effectiveness. APC in Romania for instance **indicated that “it is not different from having one individual lawsuit. Instead of simplifying the procedure, it multiplies the difficulties”**. EKPIZO in Greece stressed the lack of direct enforcement measures once the court has issued its decision recognising the right of consumers to be compensated. Others pointed out the financial costs, the complexity of the cases or the length of the proceedings. In France, UFC-Que Choisir explained **that “while collective redress has been a real step forward for French consumers in terms of possibility to obtain redress, it suffers from obstacles that still limits its full efficiency.”** UFC-Que Choisir highlighted issues relating to the type of damage compensable under the French consumer group action framework (the procedure can only be used to claim compensation for material damage), problems associated with the individual quantification of damages, or problems with the preservation of evidence by consumers.



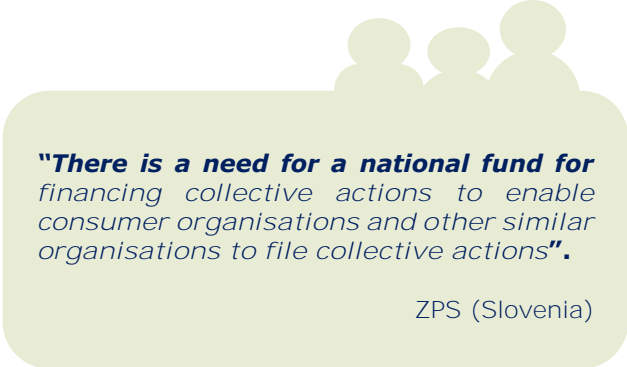
³⁰ E.g. in France.

³¹ E.g. in Portugal.

³² E.g. in Belgium. In Slovenia, the collective actions Act allows for opt-out. However, opt-in remains mandatory when at least one of the claims is based on non-material damage, or when at least 10% of the claims are estimated to be higher than 2.000 euros.

Participants made several suggestions to improve the existing instruments, including:

- **Expanding the material scope of collective redress instruments and making them available on a horizontal basis.** For example, CAM in Malta highlighted that bringing a group action had not been possible in a mass case against a travel agency as it was out of the scope of the national legislation on group actions.
- **Lowering procedural hurdles, simplifying procedures, and introducing greater flexibility in judicial behaviour.** In the UK, Which? pointed out that the certification requirements for starting cases are often too demanding for consumer organisations. As Which? highlighted, “initial indications are that the certification bar may be pitched too high”. In Italy, CIE and Altroconsumo stressed the strict and very formalistic approach of courts when reviewing the admissibility of the actions. CIE pointed out that “only a few group actions have been declared admissible. The preferred option (...) would be greater openness and resilience by judges in admitting collective redress actions brought by consumer organisations”. CIE further highlighted that, in practice, the “interpretation given by the judge to the concept of homogeneity makes many actions inadmissible”.
- **Reducing the financial burden on consumer organisations.** ALCO in Lithuania suggested to introduce “a financing model to help consumer organisations to cover the costs of initiating such cases” (e.g. financing from the state or through a revision of procedural laws to cover legal expenses). In Slovenia, ZPS highlighted that the Slovenian law on collective redress “does not sufficiently address the issue of financing collective actions (...). There is a need for a national fund for financing collective actions that would enable consumer organisations and other similar organisations to file collective actions. The source of financing this fund could consist of fines collected from traders who breached consumer or competition laws and include compensation amount not paid back in successful cases”. Going in the same direction, the directive on representative actions for consumers provides that Member States may lay down rules on the destination of any outstanding redress funds that were not recovered within the established time limits (Art. 5b par.6). As one of the possible options to finance collective actions, un-reclaimed amounts of compensation should go into a collective redress fund that could be used to finance future actions.



“There is a need for a national fund for financing collective actions to enable consumer organisations and other similar organisations to file collective actions”.

ZPS (Slovenia)

- **Reaching out to harmed consumers.** In Italy, once the action has been declared admissible, the court must still decide on the conditions of its advertising in the media. Italian courts have often been limiting advertising to traditional legal announcements in print media. This has proven to be ineffective to reach out to all affected consumers. Altroconsumo has been pushing for more freedom to use other advertising tools to alert consumers, including via online press.

DECO in Portugal is the only participant reporting the (overall) good functioning and effectiveness of its national collective redress instrument ("*ação popular*"). This is due to a set of rules that makes the action easy to use, combined with some safeguards preventing abuses (e.g. a controlled opt-out system, judge's own initiative for collecting evidence, exemptions of costs and fees when starting an action, just to name a few). Furthermore, when the organisation fails before the court, it may be ordered to pay between 1/10 and half of regular litigation costs, considering the economic standing of the claimant. This being said, DECO nevertheless also stressed several issues still jeopardizing the functioning of the instrument, and in particular the difficult identification of harmed consumers, difficulties with the quantification of damages, complex management of the action and the length of the proceedings.

EU directive on representative actions for consumers: make it now happen at Member States levels.

On 22 June 2020, the EU institutions reached a historical deal on the new directive on representative actions for consumers initially proposed by the EU Commission in the wake of the Dieselgate scandal as part of its "New deal for consumers" package. The directive will allow "Qualified Entities" to bring representative actions to collectively claim compensation in mass harm situations. After decades of tense discussions and strong opposition from the industry, this represents a landmark achievement and a major win for consumer groups.

The political deal now needs to be formally sealed by the European institutions, and Member States will then have a 24-month period to implement the new rules into their national legislations (the implementation period can be complemented with additional 6 months).

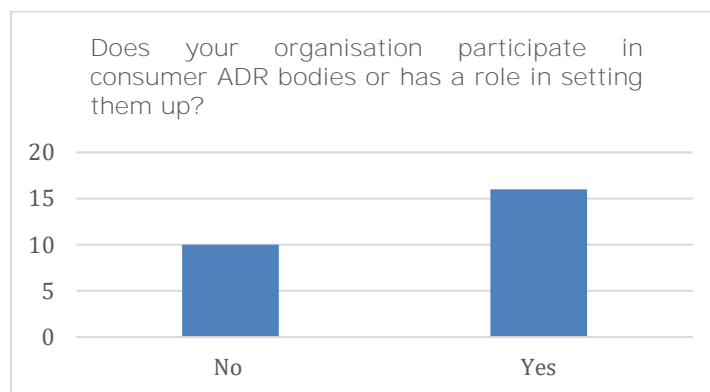
The implementation phase will be critical and determine the added value and effectiveness of the new instrument. This is because the directive gives EU Member States important leeway when transposing the rules into their national legislations. For example, there are no harmonised criteria for Qualified Entities when bringing domestic representative actions. Member States will therefore be free to choose the criteria that they deem necessary. They may use the same criteria as for cross-border cases but they are not compelled to do so. The only obligation for the Member States will be to ensure that the criteria used for domestic cases comply with the objectives of the directive. Ultimately, the set of criteria adopted by Member States for the purposed of bringing domestic representative actions should not be unduly complicated or too burdensome to not prevent Qualified Entities from bringing domestic representative actions. In addition, national rules to financially assist consumer organisations will be key to ensure the success of the new instrument.

In countries where collective redress instruments are still not available, respondents urged for the introduction of such mechanisms to facilitate compensation for harmed consumers involved in mass harm situations.

2.4. Consumer ADR/ODR

2.4.1. Role of consumer organisations in consumer ADR

The Consumer Alternative Dispute Resolution (ADR) directive of 2013 renewed the European regulatory framework applying to the activities of consumer ADR bodies. Several consumer organisations have been very active in this context: some are themselves recognized as consumer ADR entities (e.g. S.O.S is a certified consumer ADR entity in Slovakia), some took part in the setting up of consumer ADR bodies (e.g. VKI in Austria contributed to the creation of the *Verbraucherschlichtung*, which is now independent. FBRNO in Norway contributed to establishing several complaint boards in cooperation with trade organisations. DECO in Portugal is a founding member of several arbitration centres), are involved in their daily functioning (e.g. Consumentenbond in the Netherlands appoints consumer representatives at the Board of the *Geschillencommissie*; since 2015, Altroconsumo is a recognized partner in more than 10 dispute resolution bodies; DECO takes part in the management of several consumer ADR bodies) or participate in the supervision of certified ADR entities (e.g. UFC-Que Choisir is a member of the *Commission d'Evaluation et de Controle de la Médiation de la Consommation* - CECMC), which is the national competent authority in charge of certifying and monitoring consumer ADR bodies operating in France. 10 participants however reported that they do not play any role in the setting up, functioning, or supervision of ADR bodies.



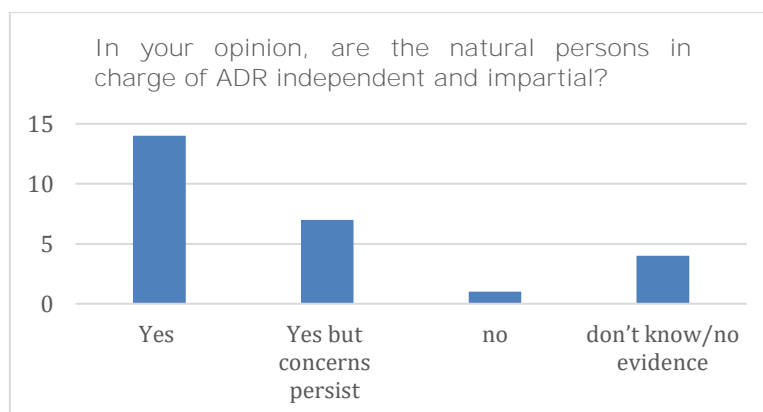
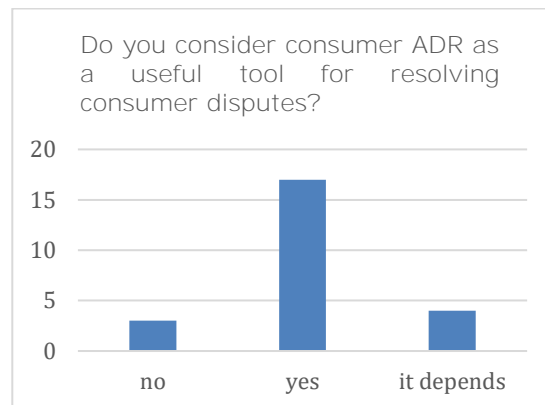
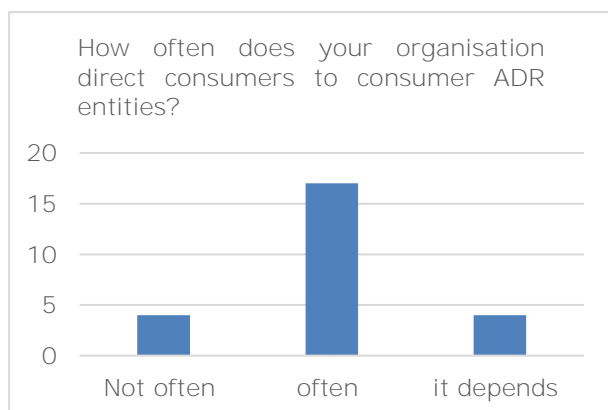
2.4.2. General opinion on consumer ADR

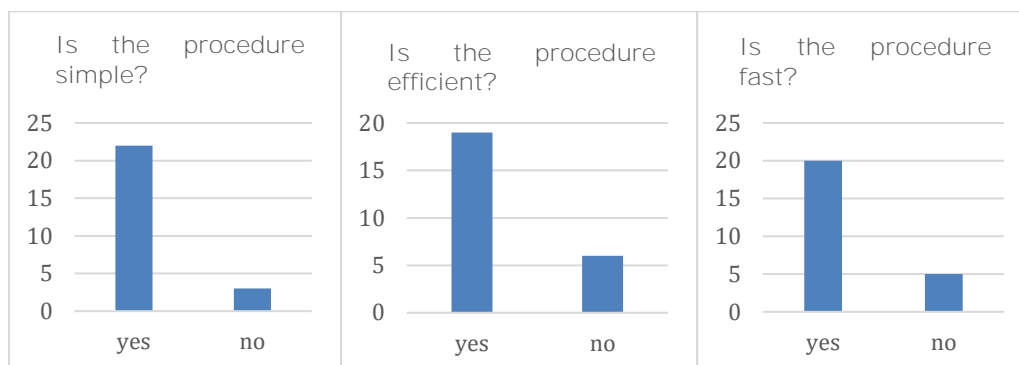
Most participants consider consumer ADR as a useful tool for resolving consumer disputes as it can provide consumers with simple, efficient, and fast solutions for solving disputes. Participants generally consider the natural persons in charge of ADR procedures as impartial and independent. Several respondents channel consumers to ADR entities to find solutions to their problems. This is for example the case of Consumentenbond in the Netherlands when channelling consumers to the *Geschillencommissie*, or of COM in North Macedonia which has published a handbook for consumers to present the benefits associated with ADR.

However, these findings are subject to several caveats and cannot be generalized as the diversity of responses remains here significant. The development of consumer ADR is indeed patchy across Europe and practices continue to diverge. For example, although the opinion on consumer ADR is globally positive, several participants have also nuanced their

point of views and highlighted that the added value of consumer ADR still greatly depends on the sectors and on the behaviour of traders. In Slovakia, S.O.S stressed that the Slovak ADR approach is not useful and that [their] **informal way of resolving consumer disputes**” is much more effective and faster than the new ADR system that has been **introduced (...)**. There was nothing new or innovative in Slovakia, only state authorities from different fields **became registered ADR bodies with sufficient financial support**”.

While consumer ADR is well-established in countries such as Norway, Sweden or the Netherlands where consumer organisations channel consumers to ADR bodies on a weekly (if not a daily) basis, the situation remains different in other countries where consumer ADR has still failed to take off so far (e.g. in Romania or Malta). Moreover, whereas the opinion on the impartiality and autonomy of consumer ADR bodies is globally positive, several members still express some concerns vis-à-vis certain ADR bodies. For example, in France, UFC-Que Choisir has raised concerns vis-à-vis the impartiality and independence of the so-called **“in-house” mediators (“médiateurs d’entreprise”)**, which are consumer ADR bodies historically embedded into companies or banks. Which? in the UK has raised concerns about two consumer ADR bodies operating in the air travel sector. In the Netherlands, Consumentenbond considers de *Geschillencommissie* as a useful tool for resolving disputes but has reservations when it comes to other consumer ADR bodies. CIE in Italy advises consumers to use ADR schemes in only certain areas such as telecommunications, utilities (e.g. gas, electricity, water), transport, banks, and financial sectors.

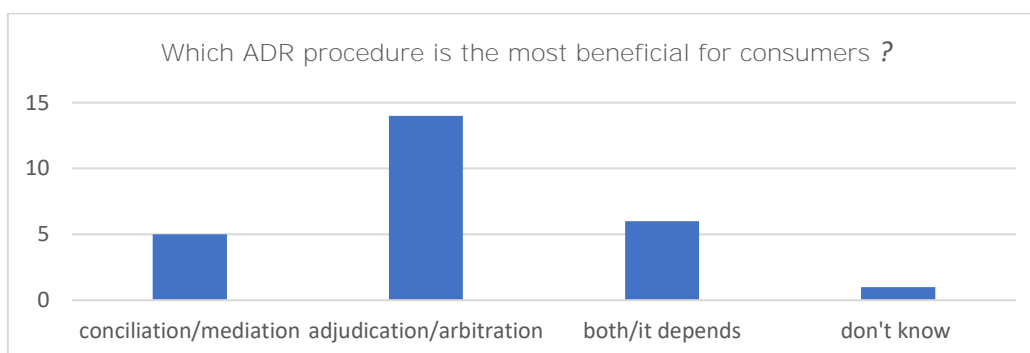




2.4.3. Procedural design of consumer ADR bodies

There are no one-size-fits-all design and procedures for ADR bodies across Europe. The functioning of ADR bodies is largely influenced by national and sectoral considerations. Some ADR bodies rely on mediation/conciliation models, while others use arbitration-like procedures. Most participants have expressed preferences for models that are based on adjudication/arbitration in which the consumer ADR body issues a decision to solve the dispute. Conversely, models based on conciliation/mediation in which the entity only assists parties in reaching a solution by themselves are perceived as demanding too much from consumers in terms of expertise and knowledge. Other participants also stressed that conciliation and mediation models tend to rely too heavily on the behaviour of traders and thus do not work when traders are unwilling to collaborate.

However, opinions on the preferred ADR procedures also strongly depend on the sectors and the categories of complaints at stake. For example, CAI in Ireland indicated that **models based on conciliation/mediation have been “effective and generally affordable”** solutions, whereas models based on adjudication/arbitration have proven to be increasingly legalistic and complex.



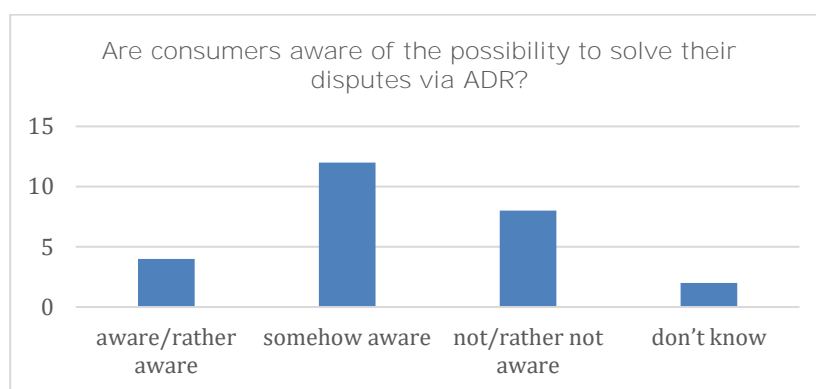
2.4.4. Consumer awareness and information

In its report on the application of the Consumer ADR Directive published in September 2019, the European Commission noted that “while overall ADR awareness has increased among both consumers and retailers, awareness levels are still insufficient in some regions and retail sectors. Overall, ADR awareness is lower in SMEs than in large retailers”.³³ The findings of this survey tend to support this observation.

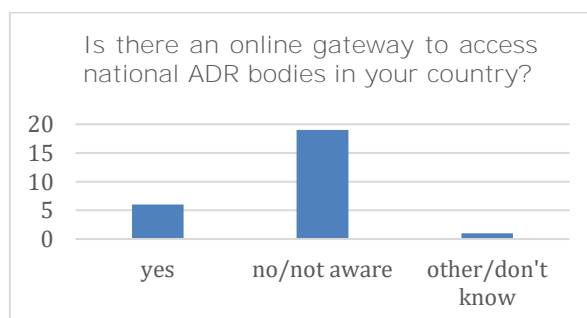
³³ COM (2019) 425 final, 25 September 2019 (at p.9).

The level of consumer awareness about the availability of consumer ADR bodies for solving disputes remains uneven. Several participants reported that consumer awareness remains low in their country (e.g. Romania, Greece, Malta, Slovenia). Others have started to observe progressive changes (e.g. Latvia, Czech Republic). Finally, other participants, including Which? in the UK, SK in Sweden, or CAI in Ireland, stressed that most consumers in their countries tend to be aware of the possibility to use consumer ADR to solve their disputes.

It is also noteworthy that the level of consumer awareness may also differ within countries and across sectors. Consumers may for instance be familiar with the activities of some well-established consumer ADR bodies (in particular ombudsman-type ADR entities, such as those operating in the energy or financial sectors) but may only know a little about other ADR bodies.



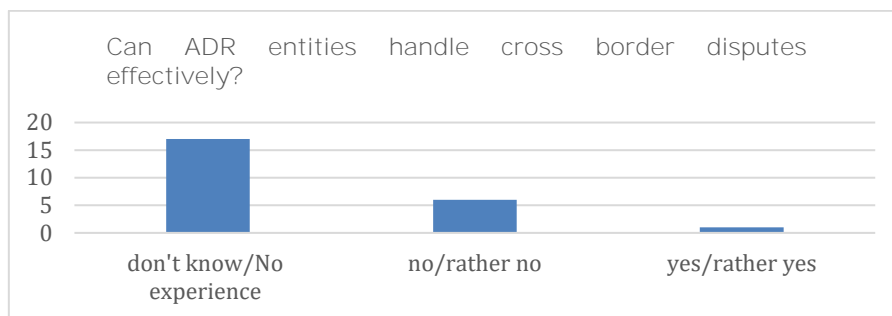
Most participants indicated that there is no online gateway centralising information and providing consumers with an easy and clear access point to national ADR bodies. In the UK, Which? has been calling for the creation of such single portal through which consumers could have access to all relevant ADR schemes active in the UK. In France, the website of the CECMC provides a list of all certified ADR entities. In Bulgaria, the Consumer Protection Commission website serves as gateway to national ADR bodies. In Norway, FBRNO has taken part in a project called **"the house of ADRs"** which aims to facilitate access and information about existing consumer ADR schemes. Helping consumers navigating the national consumer ADR landscapes will be essential for their success. As the European Commission highlighted in 2019, **"the diversity of ADR landscapes makes them difficult to navigate for consumers and traders, in particular in the Member States with a large number of certified ADR entities"**.³⁴



³⁴ COM(2019) 425 final, 25 September 2019 (at p.10).

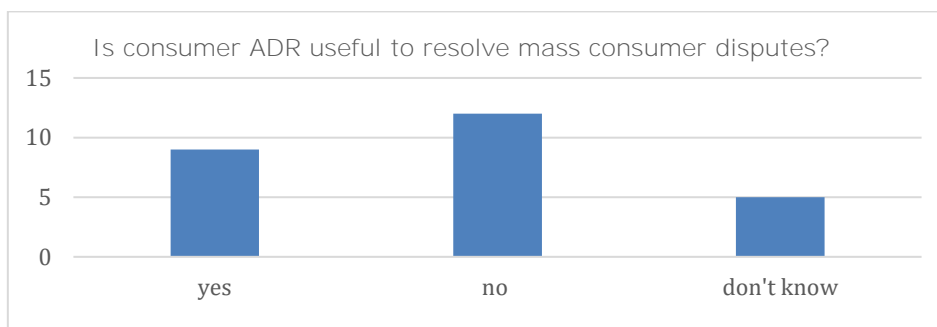
2.4.5. Consumer ADR for solving cross-border disputes

Most participants do not know whether consumer ADR can be an effective tool to resolve cross-border disputes. In the Netherlands, Consumentenbond takes the view that the *Geschillencommissie* may be capable to handle cross-border disputes effectively but has concerns when it comes to other ADR bodies. Many participants also indicate that, in most cross-border cases, they would rather redirect disputes to their respective European Consumer Centres (ECC).



2.4.6. Consumer ADR for solving mass disputes

Although some ADR bodies have been involved in the resolution of mass claims (e.g. in Malta or the UK), most participants tend to consider that consumer ADR is not a useful tool for the resolution of mass consumer complaints. This is due to **consumer ADR bodies'** lack of staff, insufficient resources, the complexity of mass cases, or simply because consumer ADR bodies have not been designed and equipped to deal with mass claims. Some participants (e.g. DECO in Portugal) also consider that consumer ADR bodies could resolve mass claims provided they are properly skilled and equipped, and if the case is not too complex.



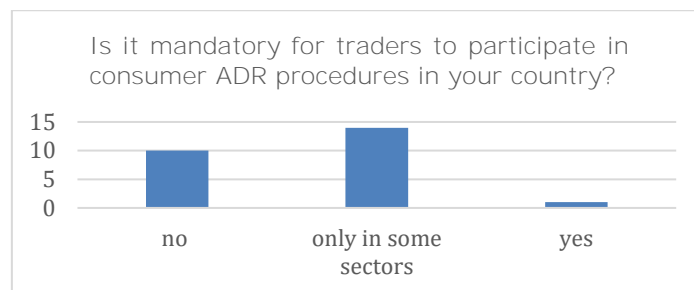

2.4.7. Traders' participation in consumer ADR

Member States have developed various models with different rules to address the issue of **traders' participation in consumer ADR procedures. In some models, traders' participation** is compulsory by law. In others, traders are bound to participate in the ADR procedure because they belong to a professional organisation making such a participation compulsory. In other models, traders are neither compelled by law nor bound to participate in the ADR procedure at all.

In its report on the application of the Consumer ADR Directive of September 2019, the European Commission noted that **“while overall traders’ participation in ADR has slowly, but steadily increased since 2014, currently only one in three retailers is willing to use ADR. This is clearly insufficient, even when taking into account that a significant number of retailers not using ADR settle disputes bilaterally with the consumers”**. The Commission further highlighted that **“in a number of regions and retail sectors the ADR models currently offered yield only insufficient participation rates for traders”**.³⁵

Many participants reported that it is compulsory for traders to participate in consumer ADR procedures in only few sectors. For example, in the UK, Which? highlighted that consumer ADR is mandatory for property services, financial services, water, energy and for some traders operating in the delivery services. Which? further noted that **“there is no mandatory ADR system for some sectors where there are high-value complaints**. For sectors where consumers have most to lose, including significant purchases and essential services, schemes should be mandatory for businesses to join. So, in our view, the purchase of new homes, new cars, car maintenance and funerals, as well as rail, air travel and housing sectors are priorities for mandatory schemes”.

In France, there is an obligation for all traders to adhere to a consumer ADR body (traders may choose between a public or a private ADR body). However, there is no obligation for the trader to neither start the procedure nor to comply with its outcome. In Slovakia, S.O.S indicated that the issue is **“very tricky”** and saw it as one of the main reasons that would support changes in the existing Slovakian legislation on ADR. This is because traders only **have an obligation to respond to the ADR body, not to get involved (...)**. As a consequence, many of them just respond **that they don’t agree with the argumentation** submitted by the consumer. In this case, the ADR body can investigate and take a decision, but when the trader is reluctant to accept it or simply ignores it, the only way to continue is to go to court”.

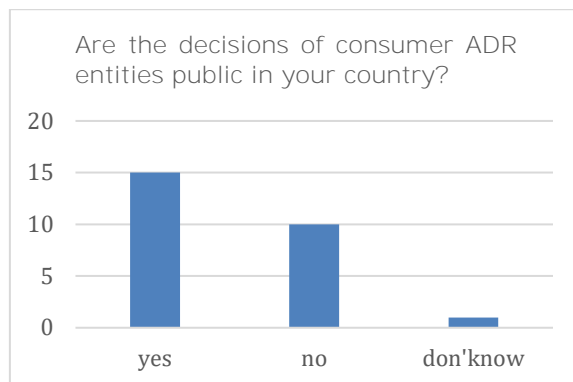
“When the trader is reluctant to accept [consumer ADR] or ignores it, the only way to continue is to go to court”

S.O.S. (Slovakia)

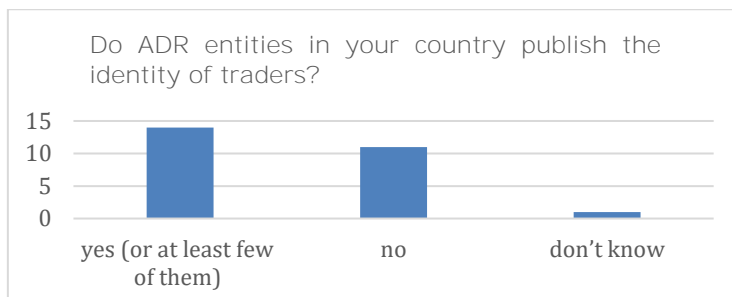
³⁵ COM(2019) 425 final, 25 September 2019 (at p.10).

2.4.8. Publication of decisions, “naming & shaming”

Participants pointed out that most consumer ADR entities in their respective countries make their decisions publicly available. However, practices vary across consumer ADR bodies. In Bulgaria, BNAAC indicated that decisions issued by consumer ADR bodies are not public. Conversely, Consumentenbond in the Netherlands stressed that the *Geschillencommissie* is working towards making 100% of their decisions public. Other ADR bodies may only publish their most important decisions or only parts of them.

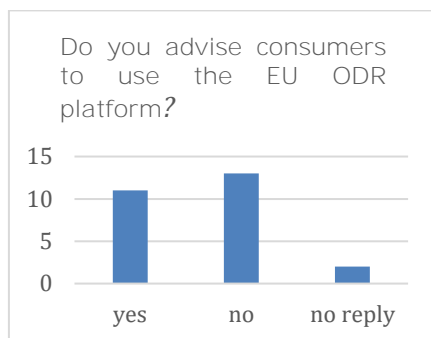


Participants further noted that many consumer ADR bodies include the names of the traders in their decisions. However, in practice, approaches differ significantly. In Norway, FBRNO indicated that **only 2 consumer ADR bodies mention traders' names**. In France, some ADR bodies mention in their annual reports the names of the traders who continuously refuse to participate in the ADR procedure (e.g. Financial Ombudsman – *Médiateur de l'Autorité des Marchés Financiers*) and/or those who do not comply with the decisions of the ADR body (e.g. Telecom ombudsman). In Ireland, the general rule is that no name is published but annual reports may name the companies or banks that raised the highest level of consumer complaints in the year. Since 2017 and the adoption of a new legislation, the Irish Financial Ombudsman can 'name and shame' companies in its annual report in situations where a financial service provider has been targeted by 3 or more complaints that have been upheld, substantially upheld or partially upheld in the preceding financial year.



2.4.9. Channelling consumers to the EU ODR Platform

Most participants indicated that they do not channel consumers to the EU Online Dispute Resolution (ODR) platform. Reasons for not doing so are multiple and include fears that the mechanism will out to be too complex or the fact they may not be sufficiently convinced or familiar with the tool. Several respondents also prefer to refer cross-border cases to their national ECCs.



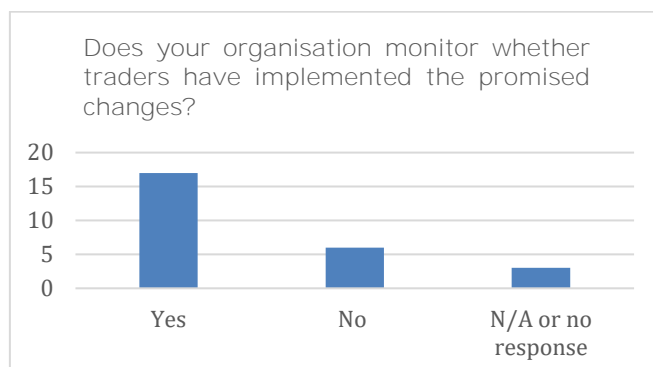
2.5. 'Soft' enforcement techniques: engaging with traders and launching media campaigns

2.5.1. Engaging with traders bilaterally

Most participants indicated that they usually start bilateral discussions with traders before escalating a complaint, either before courts or enforcement authorities. This is mainly motivated by a desire to avoid litigation costs and lengthy proceedings, and the wish to facilitate a swift resolution of the identified problem. In some countries, engaging with traders is also required by law before starting any further legal actions.

Participants indicated that engaging with traders may be particularly useful when the main objective is to obtain quick changes in attitudes, in particular in situations where the trader has acted in good faith or if the problem at stake is more a question of bad practice than a clear infringement to the law. Yet as several respondents also pointed out, engaging with traders can also be time- and energy- consuming.

Once traders have proposed commitments to solve a problem, most participants tend to **monitor traders' compliance with the** proposed commitments. Some also indirectly monitor commitments by collecting feedback from consumers or by asking them to report on any problems that they may experience. The lack of resources and the insufficient availability of staff are **the main reasons for not monitoring traders' commitments**.



2.5.2. Launching media campaigns

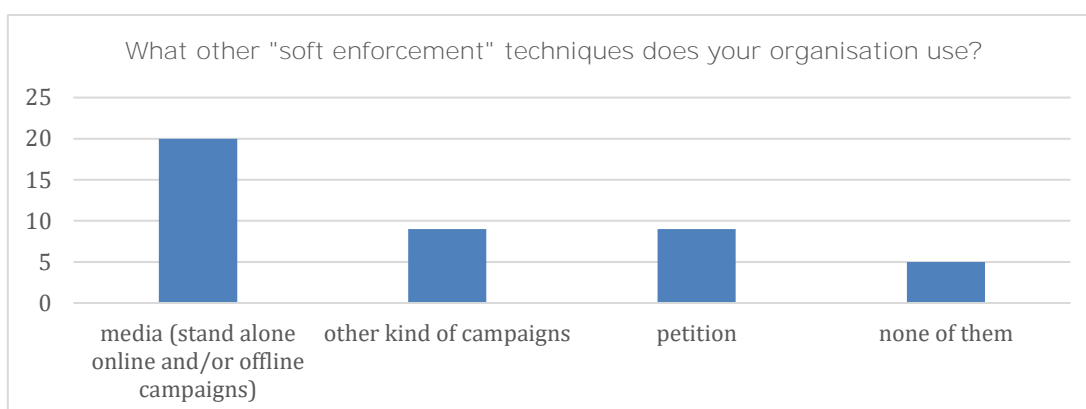
Among the other 'soft' enforcement techniques, the launch of media campaigns scored the highest among participants. Media campaigns are perceived as fast and cost-effective tools to raise awareness, to informally alert authorities and to trigger quick changes in attitudes among professionals. For example, BNAAC in Bulgaria highlighted that **"our food testing had revealed number of irregularities that would have been very difficult to enforce in court due to many procedural reasons. Our media campaign changed the **producer's practices in only few weeks**". Media campaign may also be useful where there is unclear legal ground for acting or when the matter is first and foremost a question of political will.**



*"Our media campaign changed the **producer's practices in only few weeks**"*

BNAAC (Bulgaria)

Media campaigns also allow consumer organisations to communicate with larger groups of people, to ask for feedback and to collect testimonials. As CAI in Ireland pointed out, **"they allow reaching out to more people at different times of their day when they **are listening**".** They also have a preventive function as they can be used to warn and alert consumers. They may also be particularly important in mass harm situations as many consumers may be exposed to similar problems. However, participants also indicated that this tool must be used with care and only in cases where there is clear evidence of harmful practices causing immediate losses or damage to consumers.



3. Stepping up the enforcement of consumer rights: recommendations

3.1. Establishing a stronger enforcement culture adapted to new challenges

The EU needs to develop a stronger enforcement culture to ensure that EU rules do not remain toothless tigers. Enforcement should be carefully considered when discussing new legislations and/or amending existing ones. In this view, the long-term Action Plan of the European Commission for a better implementation and enforcement of Single Market rules tends to go in the right direction when recognising that “rules can only deliver the intended effects if they are properly designed and enforced” and by listing several actions to further strengthen the enforcement of Single Market Rules.³⁶

1. ***Policymakers at EU and national levels should carefully consider enforcement and redress aspects when adopting new legislations and/or revising existing ones.***

Enforcement authorities should be adequately equipped to combat unfair and abusive market practices. This includes the consideration of the resources required to deal with new and developing consumer harms such as that on online platforms. More generally, enforcement authorities should develop tools and skills to effectively enforce consumer protection rules, notably in fast-moving digital markets.

2. ***Authorities should be provided with sufficient resources to conduct their work and develop tools and skills to effectively enforce consumer protection rules, including in fast-moving digital markets.***

Enforcement authorities should be able to proactively detect unfair market practices and deter illegal behaviour. The revised CPC Regulation has strengthened the powers of enforcement authorities, which now notably includes the possibility to remove content from an interface, to order the explicit display of a warning to consumers or, where appropriate, to order domain registries to delete a fully qualified domain name.³⁷ Authorities should make use of the full panoply of powers when there is no other effective means to bring about the cessation of the illegal practices or when the trader continues the illegal practices. Furthermore, in accordance with the “Omnibus” directive³⁸, when the situation requires, enforcement authorities now have the possibility to impose fines of up to at least 4% of the **trader’s turnover**. Authorities should use this possibility for punishing illegal practices harming a high number of consumers.

3. *Authorities should strike the right balance of incentives and disincentives via tough administrative fines or court actions, when needed. When **required, authorities should depart from ‘soft’ enforcement approaches and increase the number of sanctions taken against rogue traders.***
4. *Where necessary, authorities should make full use of the enforcement tools available under the revised CPC regulation and increase the level of fines that are imposed on traders, as the Omnibus directive allows.*

³⁶ COM (2020)94 final, 10 March 2020.

³⁷ CPC Regulation, Art. 9.4(g).

³⁸ Directive 2019/2161 of 27 November 2019 as regards the better enforcement and modernisation of Union consumer protection rules.

Unfair practices are increasingly cross-sectoral and may trigger the enforcement of various sectoral rules (e.g. on consumer protection, competition, data protection, etc.), greater collaboration and coordination between enforcement authorities and between enforcement networks is essential. Some forms of coordination have progressively started to emerge. **For example, as part of its “Strategy on Artificial Intelligence” the Norwegian government has announced the creation of a new “Digital Clearinghouse Norway” that will serve as a forum for discussion gathering representatives of several authorities.**³⁹ This was motivated **by the fact that “the use of AI raises legal issues under various sector legislations, particularly in competition, privacy and data protection”.** Recently, collaboration between enforcement authorities has also been dictated by emergency situations, such as the fight against scams and unfair practices related to the COVID-19 pandemic. For example, France has set up a specific COVID-19 taskforce to combat COVID-19 related frauds, which comprises representatives from (*inter alia*) the Directorate General for Consumers and Markets (DGCCRF), the French Data Protection Agency (CNIL) or the French Financial Markets Authority (AMF).

5. *Stronger collaboration and coordination between enforcement bodies from different sectors (e.g. data protection/competition/consumer protection authorities) and between enforcement networks must be encouraged to combat unfair market practices.*

Since January 2020 and every two years thereafter, enforcement authorities must exchange information on (*inter alia*) the actions carried out and their enforcement priorities for the next two years. This information is shared between the CPC authorities and with the European Commission. The EU Commission must then publish an overview and make it publicly available. However, this overview **does not contain CPC authorities’ tentative or proposed priority areas for the next two years.**⁴⁰ Some authorities already publicly disclose their annual priorities (e.g. the Authority for Consumers and Markets in the Netherlands⁴¹) but not all of them. As best practice, all CPC authorities should increase transparency about their enforcement activities. This includes publishing the outcomes of their enforcement actions, issuing annual reports detailing the infringements and the sanctions imposed on companies and setting out their upcoming annual priorities. This can allow all stakeholders to proactively ensure compliance with the rules and can help consumer organisations prioritise their own actions.

6. ***Authorities should publicly share information about their upcoming enforcement priorities and increase transparency about their past activities. This includes the publication of the outcomes of their enforcement actions, annual reports with data on rogue traders, sanctions and identified unfair practices.***

7. ***EU and national authorities should disclose information on the coordinated actions conducted at the EU level. This would be an effective way of coordinating and sharing knowledge on large cross-border actions.***

³⁹ See www.regjeringen.no/contentassets/1feb5bb2c4fd4b7d92c67ddd353b6ae8/en-gb/pdfs/ki-strategi_en.pdf

⁴⁰ Art. 37 CPC Regulation.

⁴¹ See the ACM’ focus areas in 2020” (www.acm.nl/en/publications/acms-focus-areas-2020).

In addition, the existing coordination tools to resolve cross-border infringements should be further strengthened.

8. ***Basic elements of a common administrative procedure should be established to handle cross-border cases under the General Data Protection Regulation (GDPR) cooperation mechanism (Art.60). The European Data Protection Board (EDPB) should publish guidance on (inter alia) common timelines for carrying out investigations and adopting decisions.***⁴²

Finally, due to the globalization of goods and services, more and more unfair practices have widespread consequences and may harm consumers who are in many different countries. At the EU level, the revised CPC regulation supports coordinated cross-border enforcement actions. However, at the international level, instruments for cooperating are still under-developed. Rogue traders located in non-EU countries should not have the possibility to escape responsibility when their practices harm EU consumers. It is necessary to develop tools and enhanced cooperation to ensure that practices originating outside the EU but creating detriment inside the EU are not left unpunished.

9. ***International cooperation on enforcement (e.g. in the context of the International Consumer Protection and Enforcement Network – ICPEN or via bilateral international agreements) should be further developed to fight-illegal practices from traders located in third countries and harming consumers.***

3.2. Strengthening public enforcement through enhanced cooperation between consumer organisations and public authorities.

Public and private enforcement are not mutually exclusive but should be complementary.

Effective enforcement frameworks should build on a strong coordination between private and public enforcement. Consumer organisations are in daily contacts with consumers and thus in a privileged position to detect market abuses, to collect field evidence, and to help consumers to file complaints. Furthermore, they can facilitate the dissemination of information and decisions issued by public authorities. Greater coordination between consumer organisations and authorities is also essential today in time of budgetary constraints in order to avoid overlaps and an unnecessary duplication of actions.

At national level, only few consumer organisations and public authorities have developed a regular and effective collaboration. Unfortunately, in many EU Member States, collaboration remains rather exceptional, if not entirely absent.

Collaboration between consumer organisations and authorities should be organised at different levels and could take various forms. Importantly, a new approach may be necessary to engage into cooperation. Consumer organisations and national authorities should give it a try and look at what they can bring to each other. Consumer organisations and authorities could start with (even informal) regular meetings, launch together small pilot projects and ultimately formalise their cooperation at later stages.⁴³

⁴² The long and winding road: two years of the GDPR: A cross-border data protection enforcement case from a consumer perspective', 5 August 2020 (www.beuc.eu/publications/beuc-x-2020-074_two_years_of_the_gdpr_a_cross-border_data_protection_enforcement_case_from_a_consumer_perspective.pdf).

⁴³ See: www.beuc.eu/publications/beuc-x-2016-039_effective_enforcement_of_consumer_rights.pdf

- 10. Consumer organisations and enforcement authorities can strengthen each other's activities. Appropriate frameworks should be established to formalise their collaboration (e.g. via Memorandum of Understanding or similar protocols).**
- 11. These arrangements should include built-in recognition of the distinct roles of the authority and of the consumer organisation and set up clear communication channels between them. There should be a clear understanding of the respective roles and deliverables of the authority and of the consumer organisation (signalling abuses, submitting evidence, informing about follow-up actions and outcomes of investigations, providing feedback), and also include the expected timeframes for actions and exchanges.**
- 12. Rapid alert systems should be established allowing consumer organisations to warn authorities when they detect serious illegal behaviour or harm likely to affect many consumers. This includes early warning systems aimed at detecting new trends in marketplaces and signalling potential new consumer harms or risks. The information provided by consumer organisations should be treated with sufficient urgency.**
- 13. Authorities and consumer organisations must respect confidentiality, as necessary. However, the secrecy of investigations by enforcement authorities should not be a barrier preventing any form of structured collaboration between authorities and consumer organisations as this issue can be solved via confidentiality agreements or other means.**
- 14. Collaboration between consumer organisations and enforcement authorities can also be informal and operate at different levels, including via the sharing of information and expertise, during joint seminars or via informal exchanges of information. However, informal sharing and exchanges of information should not replace formal channels of collaboration.**
- 15. The possibilities foreseen under the CPC regulation giving authorities the possibility to seek views of consumer organisations, on (inter alia) CPC common positions and traders' commitments should be fully exploited.**

3.3. Developing a supportive ecosystem for court actions by consumer organisations, including in cross-border contexts

The risks and costs associated with court litigation discourage many consumer organisations from bringing important claims and limit their possibilities to enforce the law. When it comes to cross-border cases, costs and procedural complexities drastically limit their actions. In parallel, actions for injunctions are also not sufficient to ensure that consumers can directly benefit from the work of consumer organisations.

16. *Court actions in general are too slow. Consumer organisations should **benefit from "fast-track"** review procedure with specific procedural calendars to ensure that their complaints can be reviewed swiftly.*
17. *Obtaining a court decision in one Member State does not guarantee that the trader will change its practices in the other Member States. The European Commission should examine and report on options for developing an EU-wide effect of administrative decisions and court judgements supporting cross-border actions of consumer organisations.*
18. *Support (through guidelines, sharing of information, translation of documents and availability of foreign decisions) should be available to assist consumer organisations when bringing cross-border claims.*

In many EU Member States, consumer organisations still do not have the possibility to bring collective actions for the purposes of compensating harmed consumers. However, the upcoming EU directive on representative actions for consumers is an opportunity to introduce effective collective redress instruments ensuring access to justice in mass harm situations.

19. *The upcoming directive on representative actions for consumers will enhance **consumers' access to justice. Member States** must ensure that collective redress mechanisms, adopted in accordance with this directive, are in practice effective instruments ensuring compensation for consumers in mass harm situations.*
20. ***Collective redress instruments, while complying with robust procedural requirements, should not be too burdensome or complex for consumer organisations. Those mechanisms should build on the potential offered by new technologies (e.g. online platforms) to reach out to, inform, build intelligence, and collect complaints from harmed consumers.***
21. *When bringing collective actions, consumer organisations should benefit from adapted court costs and other financial arrangements (e.g. via legal aid, dedicated fund or other forms of financial support).⁴⁴ Those possibilities are foreseen in the representative actions directive, but the Member States can also come up with other solutions nationally.*

⁴⁴ Art. 15 of directive on representative actions for consumers.

3.4. Upgrading the consumer ADR/ODR framework

The consumer ADR/ODR landscape is still emerging in Europe. It is well-established in some Member States but still in its infancy in many others. ADR procedures are also of different nature across Europe. Several changes are needed to ensure that consumers can fully benefit from ADR/ODR when problems arise.

A first issue relates to **the necessity to improve consumers' accessibility to ADR bodies**. Better accessibility and information about consumer ADR are necessary to guide consumers to the relevant ADR body for their disputes. As the European Commission has highlighted, **"the diversity of ADR landscapes makes them difficult to navigate for consumers and traders, in particular in the Member States with a large number of certified ADR bodies. Overall, there is less clarity about the ADR entity to which consumers and traders can turn when there is more than one ADR entity per retail sector"**.⁴⁵

22. When not available, Member States should establish a single online gateway to channel consumers to the relevant ADR entity for their dispute. The gateway should provide clear and easily accessible information about the ADR procedures as well on the possible outcomes that consumers may expect.

A second issue regards **traders' behaviour**. This is because the consumer ADR landscape still too much depends **on traders'** willingness to participate in the ADR procedure and on their willingness to comply with the decision issued by the ADR bodies.

23. For essential services, in sectors where traders regularly fail to comply with their obligations and in sectors identified by the EU Consumer Scoreboard as raising the largest number of complaints (e.g. transports), participation in consumer ADR should be mandatory for traders.

24. As much as possible, decisions issued by ADR bodies should be binding on traders. When the decisions are not binding and the trader refuses to comply, the trader should still be required to clearly justify his decision and to indicate the additional venues of redress that are available to the consumer. ADR bodies should systematically publish the identities of traders not complying with their decisions.

Improving transparency about **ADR bodies' decisions** and linking ADR complaints to wider enforcement priorities and intelligence can contribute to improving consumer protection in general.

25. Consumer ADR bodies should openly publish their decisions, disclose the names of traders targeted by high number of complaints, and systematically report on the systemic problems and sectoral trends that they identify. These reports and data should be communicated to the relevant enforcement authorities for additional follow-up actions, when needed.

⁴⁵ COM(2019) 425 final, 25 September 2019 (at p. 10).

3.5. Strengthening **consumer organisations'** capacities

Enforcement actions of consumer organisations are often very expensive. In recent years, BEUC has supported several coordinated enforcement actions among its member organisations in a wide range of sectors. In parallel, BEUC is also supporting its members via its Capacity-Building and Enforcement Programmes. Such initiatives will be necessary in the future to ensure that consumer organisations can continue to act as watchdogs protecting the interests of all EU consumers.

26. Capacity-building and enforcement programmes for consumer organisations are essential to ensure that their actions follow the development of new market practices and cope with the new difficulties arising out from the digitalisation and the internationalisation of rogue practices and unfair behaviour.

27. Coordinated enforcement actions, collaboration, and exchanges of information between consumer organisations in Europe⁴⁶ and beyond is pivotal, especially to ensure that consumer organisations with lower resources or more limited capacities can remain active watchdogs in their countries.

3.6. Exploring the relevance and added value of new technologies for stepping up consumer protection

Over the past few years, new technologies have increasingly been regarded as a tool to step up consumer protection. New technologies can be useful to **improve access to information and to empower consumers**. For example, UFC-Que Choisir in France has developed an app ("*Quelcosmetic*") to improve information about cosmetic products.⁴⁷ They may also facilitate traceability, market surveillance and the reporting of scams to authorities. For example, in the context of the COVID-19 outbreak, BEUC's Belgian member organisation Test Achats / Test Aankoop launched an online platform allowing consumers to report COVID-19-related scams and to collect consumer problems with airlines (see below). In April 2020, our UK member organisation Which? also launched a free scam-alert service. These tools can be useful to gather intelligence, to identify patterns and to highlight systemic market failures. Furthermore, new technologies may also be used to collect and speed-up the processing of similar consumer complaints, and ultimately to structure mass claims.

Test Achats/Test Aankoop's online platform for COVID19-related complaints against airlines

In June 2020, Test-Achats / Test Aankoop set up an [online platform](#) to collect consumer complaints about airlines concerning tickets cancellation. The objective was to centralise similar complaints in order to facilitate their processing and to gather intelligence. The platform [received 3.267 complaints](#). 1.633 complaints contained all the necessary information and were transmitted to the concerned airlines for their consideration. RyanAir (492 complaints), TUIfly (258 complaints) and Brussels Airlines (407 complaints) were the companies targeted by the highest number of complaints.

⁴⁶ See www.beuc.eu/publications/beuc-x-2015-012_enforcement_and_cojef_factsheet.pdf and the results of the CoJEF 2 projects: www.beuc.eu/publications/beuc-x-2016-051_cojef_ii-enforcement_of_consumer_rights.pdf

⁴⁷ See www.quechoisir.org/application-mobile-quelcosmetic-n52804/

Several digital tools are today still in their infancy or used by only few consumer organisations. These tools create new opportunities but also trigger new challenges for consumer organisations, consumers, and enforcement authorities. Legaltech instruments can enhance and facilitate but also disrupt and challenge their traditional missions (i.e. acting as market watchdog, advising consumers etc.). Moreover, these tools raise a set of new and unprecedented questions. For example, how can consumer organisations be empowered and equipped to develop and implement such digital tools? Furthermore, as digital tools are often data-dependent, one important issue will regard the access to data and where the data comes from. In other words, how access to relevant, useful, and high-quality data can be secured for consumer organisations?

In its long-term Action Plan for better implementation and enforcement of Single Market rules, the Commission announced **the launch of a new "e-enforcement lab"**. This laboratory will be funded under the single market Programme or the Digital Europe Programme and will test and apply advanced IT solutions for enforcement purposes. It will be linked to existing structures, such as the CPC Network. In the future, consumer organisations could usefully contribute to the functioning of this e-enforcement lab as they are in daily contacts with the field.

28. The use of new technologies (e.g. online platforms collecting complaints or used to report scams, apps supporting consumer information and consumer empowerment, and other big data instruments used to identify sectoral trends and systemic problems) may step up and facilitate the enforcement of consumer rights and the monitoring of markets. These techniques should be further explored at EU and national levels.

29. Consumer associations should be equipped financially to propose and implement such digital tools and services.

30. Consumer organisations should have access to non-personal high-quality market data allowing them to detect illegal behaviour and market patterns.

31. Consumer organisations can contribute to and support **the upcoming "e-enforcement laboratory"** set up by the European Commission. Where relevant, the Commission should seek ways to associate consumer organisations with this new tool.

3.7. Upgrading EU private international law instruments to ensure the effective resolution of cross-border mass claims.

The ever-increasing production and globalization of products and services have multiplied the risks of cross-border mass harm situations. When things go wrong, mass damage does not stop at national borders and may affect consumers from many different countries regardless of their countries of residence. However, the tools that are necessary to ensure an EU-wide resolution of mass harm situations and to secure fair treatment for all consumers are still lacking.

The directive on representative actions for consumers includes a provision facilitating the bringing of cross-border representative actions. In particular, Member States will have to ensure that cross-border representative actions can be brought before their courts or administrative authorities by one or several Qualified Entities from different Member

States.⁴⁸ However, the directive does not make changes into the existing EU private international law instruments to facilitate the resolution of cross-border mass claims.⁴⁹

Several reports have however stressed loopholes and problems with the application of the Brussels 1 bis Regulation (on jurisdiction) and Rome 1/Rome 2 Regulations (on applicable law) in the context of cross-border mass claims.⁵⁰ This is because the existing EU private international rules were drafted with the traditional individual litigation model in mind and are ill-suited for collective litigation.

One example illustrating this situation is the Volkswagen “Dieselgate” litigation.⁵¹ In early 2020, our German member organisation vzbv and Volkswagen managed to settle their dispute. Volkswagen proposed compensation to approximately 260.000 German-resident consumers. However, the scope of the settlement agreement excluded consumers who were not German residents at the time of the purchase of their cars and those who bought their cars after 2015. One of the main reasons why VW insisted on excluding non-German residents was that they could claim that there were doubts as to whether German law was applicable to the situation of these foreign claimants. As a report for the European Parliament also highlighted in 2018, “for cross-border torts like the Dieselgate case, the general rule of Article 4 of the Rome II Regulation designates the law of the country in which the damage occurred. Plaintiffs from Italy would not have their claims against Volkswagen governed by the same law as plaintiffs from the UK”.⁵²

Another example showing the limits of existing EU private international law instruments for mass claims can be found in the decision *Schrems v Facebook*⁵³ of the Court of Justice of the European Union delivered on 25 January 2018. Maximilian Schrems launched an action against Facebook alleging violations of privacy rights before an Austrian court bringing together assigned claims from several hundreds of consumers. However, The Court took the view **that the “consumer forum”** under the Brussels 1 bis regulation could not apply to a group of assigned claims from consumers located in the same Member State, in other Member States or in non-member countries. In his Opinion⁵⁴, Advocate General Bobek highlighted:

*“I do not believe that it is the role of courts, including this Court, within such a context, to attempt at creating collective redress in consumer matters at the stroke of a pen. Three reasons why such a course of action would be unwise stand out. First, it would clearly go against the wording and the logic of the regulation, thus effectively leading to its rewriting. Second, the issue is too delicate and complex. It is in need of comprehensive legislation, not an isolated judicial intervention within a related but somewhat remote legislative instrument that is clearly unfit for that purpose. That is eventually likely to cause more problems than offer systemic solutions. Third, although perhaps neither straightforward nor speedy, legislative deliberation and discussions at the EU level have been ongoing. That legislative process should not be judicially pre-empted or rendered futile”.*⁵⁵

These examples show the need to upgrade the existing EU private international law instruments to deal with the specificities of cross-border mass claims. In 2013, in its

⁴⁸ Art. 4b of Directive on representative actions for consumers.

⁴⁹ See recital 9 of Directive on representative actions for consumers.

⁵⁰ See e.g. report for the European Parliament ‘Collective redress in the Member States of the European Union’, 2018, pp.93 and seq

([https://www.europarl.europa.eu/RegData/etudes/STUD/2018/608829/IPOL_STU\(2018\)608829_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/608829/IPOL_STU(2018)608829_EN.pdf)).

⁵¹ Five years Dieselgate: a bitter anniversary, September 2020; and Volkswagen Dieselgate four years down the road, September 2020.

⁵² See note 50, at p.102.

⁵³ CJEU, case C-498/16 *Maximilian Schrems v Facebook Ireland Ltd*, 25 January 2018 (ECLI: EU:C:2018:37)

⁵⁴ Opinion of AG Bobek on Case C-498/16, 14 November 2017 (ECLI: EU:C:2017:863).

⁵⁵ *Idem* par.123.

Communication on collective redress, the European Commission highlighted that “(...) in the light of further experience involving cross-border cases, the report foreseen on the application of the Brussels I Regulation should include the subject of effective enforcement in cross-border collective actions”.⁵⁶ This report is expected in January 2022.

32. The European Commission should come up with propositions to amend the existing EU private international law instruments in order to ensure the effective resolution of cross-border mass claims and to secure fair treatment for all EU consumers.

Other relevant BEUC publications:

- The long and winding road: two years of the GDPR: A cross-border data protection enforcement case from a consumer perspective’, 5 August 2020 (www.beuc.eu/publications/beuc-x-2020-074_two_years_of_the_gdpr_a_cross-border_data_protection_enforcement_case_from_a_consumer_perspective.pdf)
- Consumer Justice Enforcement Forum (COJEF 1 and 2) (www.beuc.eu/publications/beuc-x-2015-012_enforcement_and_cojef_factsheet.pdf and www.beuc.eu/publications/beuc-x-2016-051_cojef_ii-enforcement_of_consumer_rights.pdf).
- Five years Dieselgate: a bitter anniversary, 15 September 2020 www.beuc.eu/publications/beuc-x-2020-081_five_years_of_dieselgate_a_bitter_anniversary_report.pdf
- Volkswagen Dieselgate four years down the road, September 2019 (www.beuc.eu/publications/beuc-x-2019-050_report_-_four_years_after_the_dieselgate_scandal.pdf)



This publication is part of an activity which has received funding under an operating grant from the European Union’s Consumer Programme (2014-2020).

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