

# Stakeholder dialogue on enforcement

Letter sent to Commissioner Neven Mimica – European Commission

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Dear Commissioner,

First of all, I would like to wish you a very happy and healthy new year and hope that all the measures you strive to achieve for European consumers may be successful.

I am also writing today to express some views regarding enforcement policy - one of the priorities of your mandate and of the new Consumer Programme 2014–2019 - which was adopted by the European Parliament this week.

BEUC fully shares your approach that the enforcement of consumer laws is a precondition for the wellbeing of European citizens and the successful functioning of the Single Market. As such, we are naturally very supportive of the European Commission putting it among its top priorities for consumer policy and seeking new ways to strengthen and improve enforcement across the EU as well as within the Member States.

In this context, I would like to reassure you that BEUC and our members are very keen to support and participate in the structured enforcement dialogue with stakeholders launched by DG SANCO at the Consumer Summit in March 2013 and which you presented to the ECCG in October 2013 and to our members at BEUC's General Assembly meeting in November.

BEUC and our members aim to contribute our best to this innovative and promising initiative. We hope to be a useful partner for you and your services' work and so would like to put forward several suggestions on this dialogue for your consideration.

First and foremost, we would very much welcome stronger cooperation by the Commission and the national enforcement authorities with consumer organisations - not only on general policy lines, but also on specific enforcement issues.

We believe the coordination of resources and efforts of public and private enforcement are needed in order to effectively tackle various infringements of consumer rights in Europe.

As demonstrated by numerous cases (e.g. the enforcement initiatives against Apple's misleading guarantee information or the injunctions brought by BEUC members against unfair contract terms in airline contracts in more than 10 EU Member States, as a result of which the International Air Transport Association repealed their recommended practices), national consumer organisations have the experience and expertise to be valuable contributors in the European enforcement arena.

In addition, consumer organisations are very well placed to identify consumer law breaches as they are in daily contact with consumers who turn to them with complaints. National consumer organisations have a good overview of the market and can easily exchange information through BEUC's network.

In order to achieve a timely exchange of information and coordination of efforts, BEUC and its members would benefit from closer cooperation with the Consumer Protection Cooperation Network (CPC) and your services. It would be very useful to be given the possibility to comment on the CPC work plans, regularly present the cases and enforcement work of consumer organisations to the CPC network and participate in the discussions on concrete enforcement actions.

For instance, we aspire to more opportunities to be involved in the CPC network's work on air transport contracts and be able to provide input to the discussion on which enforcement actions could be most efficient. As you know, we have accumulated extensive knowledge in the field and some of our members are still in court challenging airlines, so it is crucial to coordinate efforts.

We understand that public enforcers might have concerns about disclosing investigation information to third parties, but this could be solved by omitting sensitive details like companies' names and other data from the discussion.

In this context we would also refer to the recent report of the European Parliament's Internal Market and Consumer Protection Committee on the unfair commercial practices directive, which underlines the importance of consumer associations in the enforcement of this important Directive and calls for co-ordinated enforcement actions between consumer associations at national and EU level, as well as with national authorities and the European Commission<sup>1</sup>.

We firmly believe that the structured dialogue would reap the most useful results if it was based on constructive participation by the various stakeholders, not on unilateral information flows from consumer organisations to enforcers.

In order to enable real dialogue and information sharing which allows infringements to be identified and tackled most effectively, we hope that consumer organisations will be involved and provided the opportunities to act as partners both on a European and national levels.

May I just thank you for your attention to this matter and I of course remain at your disposal to further discuss the points raised in this letter or any other issue.

Yours sincerely,

Monique Goyens  
Director General

C/c: - Mr. Nils Behrndt, Head of Cabinet  
- Ms. Maria-Myrto Kanellopoulou, Member of Cabinet  
- Ms. Despina Spanou, Director Consumer Affairs (DG SANCO)  
- Ms. Marie-Paule Benassi, Head of Unit (DG SANCO)

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<sup>1</sup> EP Report on the Implementation of the Unfair Commercial Practices Directive (PE519.576) of 19 December 2013, point 26.