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**CONSUMER POLICY
IN ITALY**

***AS COMPARED WITH THE OTHER MEMBER STATES
OF THE EUROPEAN UNION***

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ANNEXES

Introduction

The Treaty of Amsterdam was signed on 2 October 1997. Article 153 (ex Article 129a) states that:

1. “[i]n order to promote the interests of consumers and to ensure a high level of consumer protection, the Community shall contribute to protecting the health, safety and economic interests of consumers as well as to promoting their right to information, education and to organise themselves to safeguard their interests.
2. Consumer protection requirements shall be taken into account in defining and implementing other Community policies and actions.
3. The Community shall contribute to the attainment of the objectives referred to in paragraph 1 by:
 - a) measures adopted pursuant to Article 100a in the context of the completion of the internal market;
 - b) measures which support, supplement and monitor the policy pursued by the Member States”.

Article 153(5) lays down that these “measures ... shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with this Treaty. The Commission shall be notified of them.”

In 1989, the European Community's determination to implement consumer policy in Europe led the Commission to establish the Consumer Policy Service (CPS)¹. One of its tasks has been to keep tabs on Member States' legal instruments in this field.

The **Maastricht Treaty** on European Union, which entered into force on 1 November 1993, made it incumbent on the CPS to subject this legislation to closer scrutiny, in order to get a clearer picture of the Member States' strategy and organisation and hence determine what specific actions could be undertaken at Community level to support and supplement their policies.

To this end, the Commission prepared a **questionnaire** and sent it in 1994 to the then 12 Member States. The scope of the survey was later extended to include the three new Member States. All the Member States have sent in their replies, the last being received on 2 February 1996.

The replies sent in by the 15 Member States that participated in the survey were analysed. A summary report² on consumer policy was then drafted, highlighting the main

¹ On 1 April 1997, the CPS became DG XXIV, the Directorate-General for Consumer Policy and Consumer Health Protection.

² “Consumer Policy of the Member States of the European Union” - Doc. XXIV (97) 1.0

similarities and differences between the Member States in this area, and providing an overview of the situation at Union level.

A report has also been or is being drawn up for each Member State, comparing its situation with that of the other EU Member States.

This report concerns Italy. It was drawn up on the basis of data provided by the Italian authorities in 1996, and updated in 1998.

1 GENERAL

1.1 Broad outline of official policies in the Member States with regard to consumers

The Member States' responses reveal a common concern to protect consumers. **Each Member State** has an official consumer policy covering most of the fields mentioned in Article 153 of the Treaty, notably the determination to attain a high level of consumer protection, to protect the health, safety and economic interests of consumers, and to provide adequate information to consumers.

Although this is not necessarily a distinguishing factor, several Member States also say they want improvements in regard to:

- legislation with a view to creating a genuine corpus of consumer law;
- legal protection;
- the quality of goods and services;
- education;
- consumer representation, etc.;

as well as the conditions governing competition and consumer choice.

Depending on the country, consumer policy may take the form of voluntary codes, regulations or statutes, or indeed may even be enshrined in the Constitution (E)³, and of transposition into domestic law of Community and international law.

Hence we have a common end – the consumer's interests – articulated in different ways reflecting different local contingencies and priorities.

In Italy, a bill on safeguarding consumer interests, presented some years ago, was finally approved by the Senate on 2 July 1998. In the meantime, certain regions have themselves adopted laws to protect consumers and users.

³ The proposals, comments or descriptions provided by the Austrian, Belgian, Danish, German, Spanish, etc. authorities mentioned in this report will sometimes be followed by the country abbreviations (A, B, DK, D, E, etc.) to enable the reader to determine their source.

The broad outline of Italian consumer protection policy is practically identical to that of the Community programmes, notably as set out in the second three-year action plan for consumer policy (1993-1995).

In developing consumer policy, particular importance is attached to information. In this field, a general law has been promulgated (Act No 126 of 10 April 1991, "Standards concerning consumer information") and corresponding implementing provisions are currently in the pipeline.

This broad outline takes the form of an evolving "corpus" of standards.

1.2 Medium-term action programme

Most of the Member States have programmes that define priorities in the field of consumer policy. The programmes cover periods of varying length (DK, E, F, P, UK). In some countries the programmes last for the life of a parliament (A, IRL, S). In others, the programmes are adopted on an annual basis (D, I, L, NL). Judging by the subjects most often referred to, the main thrust of these programmes is to reinforce the **physical and legal protection** of consumers and to provide them with better **information and training**.

As mentioned by Belgium, these programmes are also designed to carry through and flesh out existing consumer policy. They also focus on policing compliance with legislation already adopted.

In Italy, the Directorate-general for Harmonisation and Protection of the Market (hereinafter referred to in this report as the Directorate-general) was established in July 1997, as part of the restructuring process involving the Ministry of Industry MICA)⁴.

The Directorate-general drew up its own activity programme for 1998, with three spheres of activity based on its own organisational structure:

- 1. Market sphere (principally the Price Observatory, whose job will be to maintain constant monitoring of price trends for consumer goods, oil products and water supply tariffs);*
- 2. Consumer sphere (the main activities here being to study, research and prepare proposals for legislation on subjects connected with the regulation and monitoring of products and services, consumer information, commercial contracts, and consumer access to justice). Regarding the specific task assigned to the Directorate-general, 1998 will see the development of these activities in cooperation with the European Union and in even closer cooperation with the Council of Consumers and Users⁵ (Consulta), which has been attached to the Ministry for around thirty years;*

⁴ Ministero per l'Industria, il Commercio e l'Artigianato.

⁵ Consulta dei consumatori e degli utenti.

3. *Product sphere (concerned with product conformity and safety checks and with legal metrology in connection with measuring instruments).*

1.3 Main administrative structure responsible for implementing this programme

Often attached to the **Ministry of the Economy** (B, D, F, L, NL) or the **Ministry of Trade and Industry** (DK, FIN, GR, I, UK), the administrative organisation of the sector varies considerably from country to country both in regard to its structure and the parent ministry.

Furthermore, as shown by the participants in the Consumer Affairs Council of 23 April 1998⁶ and the meeting of senior consumer affairs officials on 13 January 1998⁷, in many countries several ministries are jointly responsible for consumer policy in the sectors coming within their remit (A, B, D, GR, I, L, UK).

There are **a lot of drawbacks** in this set-up. For example, it is not conducive to cooperation between Member States in drawing up a Union-level consumer policy.

Note that no Member State (except Austria since 1990) has a Ministry or State Secretariat responsible specifically for consumer affairs, as was the case in France until 1993.

In Italy, consumer policy is managed by various ministries and public departments and bodies which address the problems coming within their remit, with, at central level, the Ministries of Health, Agricultural Policy, Employment, National Education, the Treasury, etc.⁸. In particular, the Ministry of Industry, Commerce and Craft Trades (MICA) plays a major role. Today, thanks to the imminent adoption of the framework Act and the creation within MICA of the new Directorate-General for Harmonisation and Protection of the Market, the conditions have been established for taking greater account of and defending consumer interests.

The aim of the new Directorate-General is to consolidate and coordinate consumer policies in cooperation with the European Union and with a view to reforming the Italian public administration in accordance with the principles of geographical decentralisation of powers and functions. It combines the following responsibilities previously shared by various Directorates-General:

- *price monitoring;*
- *links with the Competition and Market Authority;*
- *protection of consumers' economic interests;*

⁶ Annex 1: List of representatives of the Governments of the Member States at the European Union Consumer Affairs Council.

⁷ Annex 2: List of participants at the meeting of senior consumer affairs officials.

⁸ *Ministero della Sanità, delle Politiche Agricole, del Lavoro, della Pubblica Istruzione, del Tesoro.*

- *organisation of weights and measures and analysis services for precious metals;*
- *monitoring procedures and activities for the certification of products and equipment, safety checks and conformity of products with Community legislation.*

In particular, the Directorate-general monitors activities related to the preparation and adoption of consumer protection rules at Community level and also monitors their transposition into national law. The Minister for Industry, moreover, represents Italy at the European Union's Consumer Affairs Council⁹.

The Directorate-General liaises with the various public and sectional bodies and with consumer associations. It is also called upon to contribute to measures and proposals concerning other sectors which in one way or another affect consumer interests.

Emphasis must be placed on the importance of the process of administrative decentralisation in the Italian public administration. Thus, the trend in defending consumer interests is to delegate as many activities as possible to local authorities, so that consumers and businesses can deal with the authority which is closest to them. In this sense, the implementation of a recent Act on the reorganisation of the functions of the central and regional administrations will make it possible to promote a public administration model which is closer to the needs of consumers.

A second line of development aims to rectify the current fragmentation of responsibilities among various bodies, at both local and national levels, in order to ensure the unity and coordination of administrative action. In this connection, the Directorate-General will be able to help promote practical collaboration between the ministries and other administrations (especially on the subject of product safety) and between the central and regional authorities.

A point to note here is the intention, in implementing the above-mentioned reform Act, to establish contact points at the chambers of commerce to interact with the central administration, particularly in relation to the information duties associated with the European Union. The functions previously carried out by the provincial weights and measures offices and the provincial offices for industry, commerce and craft trades have been transferred to the chambers of commerce.

1.4 Consumer interests in the context of other government policies

In all Member States, consumer interests are to a greater or lesser extent taken into account in preparing other government policies through the medium of interministerial coordination (A, B, D, F, I, IRL, L, S, UK), and consultation with consumer organisations (DK, E, GR, I, P, UK) and/or consumer institutes (E, P).

⁹ See Annex 1.

*In Italy, the necessary link between consumer policy and other policies is currently assured through a series of general legal instruments which provide for coordination between the various authorities and bodies involved in the different sectors. In this connection, mention should be made of the Conference of the State and Regions (**Conferenza Stato-Regioni**), whose job is to ensure coordination and liaison between the activities of the central government and the regional bodies, and the Conferences of Services (**conferenze di servizi**) provided for in Article 14 of Act No 241 of 7 August 1990, for cases in which there is a need to examine in parallel the various interests that will be affected by an administrative procedure.*

Moreover, within the framework of its powers, each administration plays its part in consumer affairs, where necessary.

One should also note the coordinating role of the Presidency of the Council of Ministers, notably through the intermediary of the bodies delegated to this end.

2 CONSUMER ORGANISATIONS

2.1 Consumer organisations at national or regional level

In each Member State, consumer organisations exist at national, regional, and even local levels.

At **national level**, the number of such organisations varies greatly from one Member State to another, ranging from a single national organisation (IRL, L, NL) to 15 (B, I) or even 20 (F). In these circumstances, their powers and thus their influence also vary greatly. On the whole, consumer organisations have relatively little clout. With the exception of the **United Kingdom** (except for the Consumers Association) and **Germany**, where consumer associations are funded by the government, and apart from a number of subsidies granted by other Member States, the organisations' own resources consist only of membership fees and the voluntary work performed by their members, as well as the resources they obtain through the measures they carry out themselves or in response to invitations to tender from national or local bodies or the European Commission.

As in certain other countries (E°), they are generally referred to as "organisations or associations for the protection of consumers' and users' interests".

In Italy there are national consumer associations, whose experts are members of the Council (Consulta) at the Ministry of Industry, which the Ministry periodically consults on consumer protection matters. There are also associations at regional level.

Prior to the adoption of the framework Act on 2 July 1998, the associations had no "official" status.

Most of these organisations, the 15 most important of which are listed in Annex 3, are exclusively involved in consumer protection, whereas others are mainly involved in the cooperative sector and in the protection of the environment or of citizens.

2.2 Are they involved in implementing policy and/or measures adopted by the public authorities?

Yes, except for Ireland, Sweden and the United Kingdom.

In Italy, although there is as yet no umbrella consultation body for the different associations (with the exception of the Consulta referred to in 1.2), the public authorities very often ask the organisations to participate in studying consumer-related problems, or request their views and suggestions when designing and/or implementing measures concerning them.

2.3 If so, how?

Consultation between the government and consumer associations is conducted:

- in the context of the Consumer Affairs Council (B, E, F, L) (see section 3 below), or
- through direct (A, DK, D, I, NL) or indirect consultation (NL, P) with the ministries concerned.

*In Italy, the central-level consumer associations participate actively thanks to their regular contacts with the **Directorate-General**. They are consulted on the main problems with which it deals, notably in the context of work with a view to adopting EU Directives or transposing them into national law.*

*There are also a large number of **other consultation arrangements** involving consumer associations by other public bodies at central and local level:*

At central level

- *Outside consumer policy strictu sensu, the Italian Constitution itself provides for a body, namely the **National Council on the Economy and Employment**¹⁰, made up of representatives of both sides of industry who are responsible for delivering opinions in the areas coming within their remit. This Council has drafted an amendment to the Act governing its composition, in order to provide for the participation of representatives of consumer associations.*
- *The Council of consumers and users (**Consulta consumatori ed utenti**), referred to in point 1.2.*
- *The Interministerial Committee for Economic Planning¹¹ also organises consultations in the sectors coming within its remit.*

¹⁰ Consiglio Nazionale dell'Economia e del Lavoro (CNEL).

¹¹ Comitato Interministeriale per la Programmazione Economica (CIPE).

- *The same goes for the Price Observatory (**Osservatorio prezzi**), established in 1995 at the Ministry of Industry and responsible for studying and analysing trends in prices and charges.*
- *Today, the establishment of the new Directorate-General provides the Observatory with a new focus for its policy of defending consumers' interests, namely analysis for the purposes of implementing industrial and sectoral policies.*

At local level

*In numerous regions, provision is made for Councils (**Consulte**) or equivalent bodies. Consisting of representatives of associations, individual sectors and the public administration, they are responsible for consultations and proposals in the field of consumer affairs.*

Likewise, the Chambers of Commerce also organise consultations in the areas coming within their remit.

2.4 If not, why?

In Ireland: probably because of lack of resources.

In Sweden: because of their relative lack of importance.

In the United Kingdom: because implementing government policy does not come within the remit of these bodies.

2.5 Are consumer associations affiliated at national level?

Confederations exist in ten Member States (B, DK, D, FIN, IRL, IT, L, NL, S, UK), such as:

- **in Belgium**, the "Groupement des organisations de consommateurs", an informal coordination and consultation structure embracing all organisations at the Consumer Council (except for "Test-achats");
- **in Germany**, the Union of Consumer Associations (AgV), an umbrella body of 36 associations, i.e. the most important German consumer associations;
- **in Sweden**, two umbrella organisations representing 14 and 16 organisations respectively.

In Italy, no umbrella organisation exists.

3 CONSUMER COUNCIL

Does your country have an organisation at national level bringing together representatives of those areas involved in consumer affairs (government, consumer affairs, industry, trade, etc.)?

Yes, each Member State has a Consumer Council, except for Germany and Finland (where the consumer committees do not correspond exactly to the concept of a consumer council), Ireland (where statutes are in the pipeline), Sweden and Italy.

In the United Kingdom, there are in fact four, one each for England, Scotland, Wales and Northern Ireland.

The Consumer Council is generally a consultative body attached to the ministry responsible for consumer affairs (B, DK, F, GR, L, UK). The Council may also be attached to (E) or be equivalent to (P) the national Consumer Institute.

Generally, the Council is made up of almost equal numbers of representatives of consumer organisations and:

- representatives of industry (B, F, GR, NL) or
 - representatives of the ministries that are also involved (L, P)
- as well as experts in consumer affairs.

*In Italy, with the adoption of the framework Consumer Protection Act, the **National Council of Consumers and Users**¹² will be established at the Ministry of Industry. Its members will include representatives of the recognised associations, which will be representative in national terms.*

Meanwhile, associations representing consumer interests participate in administrative and/or consultative bodies at local level in certain cases, notably in the context of certain Chambers of Commerce in the Italian provinces, and in some of the regions that have adopted a law establishing special consultation bodies.

Act No 580 of 29 December 1993 on the reorganisation of the Chambers of Commerce, Industry, Craft Trades and Agriculture contains provisions of particular relevance to consumer protection. The Councils of certain Chambers of Commerce also include consumer representatives.

At regional level the texts concerning consumer protection, adopted by many regions, provide in particular for the setting up of a collegiate body including certain representatives of consumer associations at local level and, depending on the regions, representatives of the productive sectors, the provincial price committees, the Chambers of Commerce and experts.

Basically, this collegiate body has consultative functions and delivers opinions on consumer training and information programmes. It may also submit proposals for surveys, studies and research into consumer protection.

¹² *Consulta Nazionale dei Consumatori e degli Utenti.*

4 MONITORING OF CONSUMPTION

Each Member State has bodies which conduct studies and surveys on a more or less regular basis to monitor, at least to some extent, national trends in consumption.

These organisations are generally the government departments referred to in section 1.3 above (A, DK, E, F, I, IRL, L, P, S, UK) or are attached to such departments (B, L).

However, it seems that only in **France** (DGCCRF) and the **United Kingdom** (Office of Fair Trading) is there a dedicated consumer affairs structure responsible for **permanent monitoring** of all products and services.

It seems that no Member State has an organisation or independent structure which could be defined as a "consumer affairs observatory"¹³.

In Italy, there is no unique dedicated structure, but a large number of bodies are active in various fields at central and local level.

Between 1981 and 1997, these tasks were performed by a special department within the Directorate-General for Internal Trade.

Through the Directorate-General for Harmonisation and Protection of the Market, the Ministry of Industry conducts studies and research and maintains contacts with consumer organisations in particular, with a view to collecting the information required in this field¹⁴.

A Prices and Tariffs Observatory¹⁵ was set up to monitor prices and tariffs and to notify the competent authorities in the event of distortions or irregularities (see 2.3).

In addition, numerous structures are responsible for monitoring consumption and related areas¹⁶.

5 INTERNATIONAL COOPERATION

International cooperation in the field of consumer affairs is relatively advanced among both ministerial departments and consumer organisations. In two Member States, however, this is mainly (L) or almost exclusively (NL) thanks to the consumer organisations (ULC and Consumentenbond).

¹³ See definition in Annex 4.

¹⁴ See Annex 5.

¹⁵ *Osservatorio dei prezzi e delle tariffe.*

¹⁶ A detailed list is given in Annex 6.

Member States play an active role in cooperation measures organised primarily **in the context of the European Union**:

- safety: rapid exchange of information system; exchange of information in the context of the general product safety Directive;
- cross-border cooperation: Euroguichets;
- coordination at the level of the permanent representations, etc.;

and **at international level**:

- OECD International Marketing Supervision Network, established in 1992;
- OECD Consumer Policy Committee;
- monitoring of the safety of consumer products (PROSAFE, ECOSA);
- regional cooperation: Nordic (DK, S), Central Europe (A), EFTA until 1994;
- Codex alimentarius;
- CNUCED.

There are also more specific cooperation measures **between "sister" organisations** in a number of Member States, such as the consumer institutes (INC (E), INC (F), ADICONSUM (I), IC (P)) covering comparative tests and studies or market analyses in the framework of the European co-operation programme (D, E, F, I, P).

Finally, most of the Member States are involved on a more or less formal basis in intensive and ongoing **bilateral cooperation** with certain Member States and/or third countries:

- Latin America (E) – Central and Eastern European Countries (F) – EFTA (F) – Africa (P);
- market surveillance: agreement signed between the General Economic Inspectorate (B) and DGCCRF (F);
- information on accidents and risks associated with consumer products (E), etc.

At the level of the **consumer organisations**, there is close cooperation at international level, particularly within Consumers International (CI, formerly IOCU).

At **Community** level there are four European consumer organisations based in Brussels, namely **BEUC** (the European Bureau of Consumer Unions) **Euro-coop** (the European Community of Consumer Cooperatives), **COFACE** (Confederation of Family Organisations in the European Community) and **ETUC** (European Trade Union Confederation), and the **EIICA** (European Interregional Institute for Consumer Affairs) based in Lille. At institutional level, the **Consumer Committee**, established in 1995 by the European Commission, represents all Community, national and regional consumer organisations¹⁷.

¹⁷ See Annex 9.

Where Italy is concerned, cooperation is essentially at Community level, notably in the field of product safety.

The system for the rapid exchange of information on dangers arising from the use of consumer products, established by Decision 84/133/EEC, and the system for the exchange of information in respect of certain products which may jeopardise consumers's health or safety, instituted by Decision 93/580/EEC, are considered particularly important.

These systems were established on the basis of Directive 92/59/EEC on general product safety.

Cooperation also extends to the OECD countries.

6 COMPLETION OF THE INTERNAL MARKET¹⁸

6.1 What measures have been taken at national or regional level to inform consumers about the completion of the internal market and how they can benefit from it?

All Member States, including the new ones (A, S), have tried to put across the message. In some countries, however, the effort has been relatively limited¹⁹, or has even been left to the initiative of the media (GR, IRL), while others (A, B, D, F, I, S, UK) have been quite active, particularly via the media, in informing the public about what they stand to gain from the internal market.

In Italy, although there is no coordinated consumer information programme on the completion and benefits of the internal market, numerous measures have been implemented in this area.

The information is transmitted using a variety of instruments (mass media, publications, conferences and seminars) and with the aid of various players, notably the public authorities, schools and firms.

Although the number and scope of these initiatives would suggest that sufficient information is available in this area, it would be worthwhile coordinating the various information campaigns mounted by public and private bodies in order to provide correct information in a more effective manner.

¹⁸ The single market was completed as of 1 January 1993 in accordance with the Single European Act (signed on 17 February 1986) and "comprises an area without internal frontiers in which goods, persons, services and capital move freely".

¹⁹ Publication of a booklet and articles in E and GR, conference in 1990 and annual publication of a booklet in DK, etc..

6.2 What actions should/could the Commission propose to support these measures?

Apart from Germany (no reply to this question), the United Kingdom (which considers that these measures fall outside the Commission's area of competence), and the Netherlands, the other Member States are interested in the possibility of measures by the Commission in this field. These might take the form of information, training and awareness-raising campaigns on the advantages to consumers of the internal market:

- either directly (A, E, GR, I, IRL, L, P);
- involving the European Parliament (B);
- or by the provision of financial support (A, DK) to the Member States (F) or to consumer organisations (A, L).

In Italy, it is felt that the European Commission, in keeping with the principle of subsidiarity, could at least play a partial role in coordinating initiatives mounted by the Member States in this area.

Thus, it might be useful to pool information between countries and to promote coordinated information campaigns at European level. One might also consider creating a European fund to partly finance and support these campaigns.

It might also be useful to introduce a subject into the compulsory school curriculum, i.e. during the first eight years of education, on European themes, providing the basic knowledge required to understand the mechanisms of the Single Market and its benefits for consumers. This would also make it possible to address specific consumer problems and to put across the information citizens and users need in order to make full use of their rights.

7 SPECIFIC MEASURES

7.1 In the context of Article 153 of the Treaty (as amended by the Treaty of Amsterdam), what are the specific measures which the European Commission could/should propose to support and, where relevant, supplement Member State policy in favour of consumers?

One Member State made no proposals (UK) and two others (D, NL) saw no need for new specific measures in favour of consumers.

The others, however, accepted the principle and proposed strengthening or fleshing out Commission measures in the context of Article 153 of the Treaty, particularly with regard to information (B, E, F, GR, I, L, P, S) and the EHLASS programme (DK, E, F, P).

In Italy it is considered that, in keeping with the principle of subsidiarity, the European Commission could play a role in coordinating initiatives mounted by the Member States, and hence in promoting consumer policy in countries in which the level of consumer protection is lower.

In particular, it would seem appropriate to ensure broader and more effective consumer protection by improving the correlation between safety and health measures as well as initiatives aimed at providing appropriate information. Drafting a coordinated text on European consumer protection standards and creating a closer link between the various information exchange systems and the statistical systems would be a big step towards improving correlation between measures.

In particular, it is considered that the Commission should propose specific actions in the following areas:

- access to justice*
- public services*
- credit*
- specific measures to protect children, the disabled and disadvantaged consumers*
- cross-border payments*
- unfair advertising*
- prevention of accidents in the home*
- quality and price policy.*

In Italy, the first two areas (access to justice and public services) are treated as priorities and specific harmonisation and regulatory measures are to be adopted in this connection. Clearly, the fact that the existing measures need to be consolidated does not mean that there are no plans for supplementary measures.

7.2 Other specific measures: should specific measures be envisaged in domains other than those mentioned in Article 153 of the Treaty?

If so, which ones?

A majority of Member States either did not answer this question (GR, IRL) or are opposed to the Commission's involvement in areas not referred to in Article 153 of the Treaty (D, E, F, L, NL, UK).

Only six Member States (A, B, DK, I, P, S) accepted the idea in principle, but did not propose measures outside the areas covered by the Treaty.

The Italian authorities consider that Article 153 of the Treaty already has a very broad scope and, as pointed out above, many actions could usefully be implemented on the basis of the Article. In principle, however, the authorities are willing to examine grounds for specific actions in the various sectors, if such actions are proposed.

**PART 2: QUESTIONS CONCERNING THE ACTIVITIES MENTIONED
IN ARTICLE 153 OF THE TREATY**

8 PROTECTION OF CONSUMER HEALTH AND SAFETY²⁰

8.1 Administrative structure

Except perhaps in Ireland, **all Member States** have administrative structures responsible for consumer health and safety. These structures are usually (B, DK, F, GR, P) departments answerable to the ministry responsible for consumer policy²¹, but sometimes also to certain consumer organisations (L).

Such a structure also exists in most Member States for **food and health care**, but is generally attached to the Ministry of Health (DK, GR, I, IRL, UK).

Depending on the circumstances, these structures are empowered to hear consumer complaints, to deliver opinions and to organise prevention and education campaigns. These structures are sometimes supplemented at local level by departments attached to the municipal authorities (S).

In Italy, due to the approval of the framework Act on 2 July 1998 and the establishment of the new Directorate-General for Harmonisation and Protection of the Market, the conditions for improving the protection of consumer interests have been established.

8.2 Are the resources allocated to the monitoring of product safety provided on a sectoral basis?

Only **Spain, Italy** and the **United Kingdom** take a sectoral approach in this area.

Most Member States (B, DK, D, F, IRL, P, S) allocate resources for monitoring product safety on a global basis, individual sectors being funded only in second place when the need arises. While not calling this approach into question, some Member States nevertheless have special rules governing foodstuffs (B, D, E, I), electrical appliances and toys (B) and also tobacco, cosmetics, essential goods (D) and health products (E, GR, I).

In Italy, the safety of products and services is monitored by the various administrations responsible for specific sectors.

Structures at central level

A) Ministry of Industry, Trade and Craft Trades

a) Division II: "Certification and product safety procedures and controls"

²⁰ NL has not replied to this part of the questionnaire.

²¹ See Part 1, section 1.3.

The "products" sphere has two main aspects: checking product conformity and safety, and weights and measures (measuring instruments). The legislative framework involved consists principally of Directive 92/59 on general product safety, plus a number of special provisions covering a wide range of products, e.g. low-voltage equipment, machinery, plant, construction products, pressure vessels and toys.

Bringing together all the responsibilities for conformity checks under the umbrella of the Directorate-General will probably necessitate a different type of organisation for the purposes of developing effective coordination and simplifying measures under way. In particular, product-related activities in 1998 will be geared to preparing a practical manual setting out the procedures to be followed when dangerous products are reported and describing the various stages of action, in logical and chronological order.

b) Division III: "Consumer protection"

This Division is currently - in collaboration with the Ministry of Health - involved in research into home and leisure accidents, in the context of the Community EHLASS information system concerning accidents of this type (Decision 86/138/EEC). Moreover, it receives the notifications sent to the Ministry under the system for the rapid exchange of the information on serious and immediate dangers arising from consumer products (Decisions 84/133/EEC, 89/45/EEC, 90/352/EEC), and forwards them to the Technical Inspectorate and to the other authorities which may be concerned (Ministry of Health, Customs Offices, etc), who then carry out the necessary controls.

B) Ministry of Health

The Ministry is responsible inter alia for food hygiene, nutrition, production and marketing of medicinal products.

In this context it also plays a monitoring role through the intermediary of the Anti-Fraud Units, which may carry out controls at premises used for the production and sale of foodstuffs.

C) Ministry of Agricultural Policies

Inspectorate for the Suppression of Fraud.

Structures operating at local level

A distinction should be made between local government bodies and the offices of the Central Administration at local level.

A) Local government: the main players are:

a) The Regions

The Regions have various responsibilities in the field of health, including:

- 1) monitoring the production, possession, sale and use of toxic gases and other dangerous substances;*
- 2) monitoring the suitability of premises and equipment for the trade and storage of natural and artificial radioactive substances;*

3) *monitoring the production and sale of dietary foods, baby food and cosmetic products.*

The regions delegate these functions to the municipalities and the Local Health Units.

b) *The Local Health Units*

In the context of their powers the Local Health Units are mainly responsible for health monitoring in regard to the production, preparation, distribution and sale of food and drink.

B) *The local bodies of the central administration include in particular:*

c) *The Provincial Offices of Industry, Commerce and Craft Trades (UPICA)*

These offices, which are the local bodies of the Ministry of Industry, Commerce and Craft Trades, have a number of tasks, including:

1) verification of the compliance of textile products with the standards laid down in Act No 883 of 26 November 1973 and Presidential Decree No 515 of 30 April 1976, as well as the rules governing the labelling of toxic products and sampling of these products to monitor their composition;

2) verification of the safety of electrical equipment (Act No 791 of 18 October 1977);

3) monitoring of toy safety (Act No 46 of 18 February 1983);

4) monitoring of the enforcement of the Planning Act (Act No 1002 of 31 July 1956);

The Ministry's local Offices are also responsible for imposing penalties with regard to:

5) the provision of food and drink (Act No 287 of 25 October 1991 updating the rules governing the operation and activities of bars and cafés);

6) the safety of installations (Presidential Decree No 447 of 6 December 1991, in application of the Act of 5 March 1990 on standards for the safety of installations);

7) foodstuffs labelling (Circular No 3303/3 of 23 February 1993, specifying compliance with a judgment handed down by the Constitutional Court to the effect that the imposition of penalties in this sector comes within the remit of the UPICA and not the Region).

8.3 Participation of consumer organisations

In all Member States except Ireland, Sweden and the United Kingdom, consumer organisations are involved, either directly, or indirectly through the bodies on which they

are represented²², in preparing national legislation and in transposing and implementing EU directives.

They are also involved in standardisation work carried out by national organisations specialising in the safety of goods and services (A, B, DK, E, F, GR).

In Italy, consumer associations are in practice consulted both in the context of preparing European regulations and in preparing sectoral regulations at national level.

These consultations have until now been organised regularly.

See Part 1, point 2.3.

8.4 Methods of collecting information

In the case of five Member States (A, B, D, IRL, L), the answer is no.

Eight other Member States (DK, E, F, GR, I, P, S, UK) report methods of collecting information which differ from or complement the Community's EHLASS system.

Portugal, for example, has a safety information centre which directly records three types of information in Lisbon and in the country as a whole.

France also has an internal network for monitoring accidents caused by defective products or services. This network draws on the services of the authorities at department level, which in turn draw on alert networks at local level made up of the public services which have to deal with accidents (hospitals, fire brigade, police, poison centres, etc.).

Although all Member States are probably involved in such schemes, only **Denmark** and **Spain** mention their involvement in the warning and notification networks of the OECD, the EU and, in the case of Denmark, the Nordic countries.

In Italy, there are no permanent systems for collecting data on home and leisure accidents. However, scientific research into this problem has been carried out by public bodies such as the regions, the Local Health Units and the Higher Health Institute. One of the most important studies was the survey on home accidents, conducted between December 1987 and May 1988 by the National Statistics Institute. This survey took the form of household interviews, on the basis of pre-coded questionnaires, containing particulars of accidents that had occurred in the past twelve months, the causes of the accident, assistance after the accident, duration and mobility conditions.

Mention should also be made of the EHLASS system, established by a Community Decision in 1986 and managed by the Ministry of Industry, in collaboration with the Ministry of Health.

²² Consumer councils, working parties, ad hoc committees, institutes, etc.

8.5 Safety of services

8.5.1 *What national measures are there to ensure the safety of services, notably as regards:*

- *sport and leisure events?*
- *leisure centres, playgrounds and amusement parks?*

In most Member States, these problems are addressed at national level as part of general consumer policy (E), but also in the form of legislation (I, L, UK), standard regulations on the construction and operation of places of assembly (D, IRL, P), standardisation (A, DK, D, E, UK), codes of good practice (IRL) and even the civil code (GR). Depending on the Member States, the ministries concerned are those responsible for consumer affairs (A, F) or for the area of activity concerned (B, L).

Implementation measures and other specific provisions are then decided on at the appropriate level which may, depending on the Member States and areas of activity concerned, be national (A, B, DK, F, IRL), regional (A, B, D, E, F) or local (B, E, L). In Belgium, for example, the Minister of the Interior issued a memo advising local authorities not to allow bungee-jumping.

In a number of countries, special measures have been taken to ensure the safety of services and equipment in the following areas in particular:

- sport and leisure events (F, IRL²³, UK);
- leisure centres, playgrounds and amusement parks (D, DK, E, GR, L, UK);
- "temporary" structures (D²⁴);
- village halls (E);

whilst in other Member States only **general regulations** apply.

In Italy a large number of public health and safety standards and rules have been adopted over the years and are still in force.

8.5.2 *Are there national measures to stimulate standardisation of safety rules and know-how in the field of services?*

- In Belgium, Denmark and Ireland: No.
- Measures have been provided for in other countries (D, E, F, I, L, P) with regard to a number of sectors:
 - stock exchange and securities: D
 - transport and entertainment: E

²³ Pop concerts and open-air musical performances.

²⁴ Equipment that is regularly assembled, used and then dismantled at various locations, such as merry-go-rounds at funfairs.

- schools, public buildings, construction sites: L
- car repairs, electrical household appliances, domestic heating, swimming pools, etc.: P

In Italy, as already indicated, special authorities were recently established to supervise the management of public utility services ²⁵.

9 PROTECTING CONSUMERS' ECONOMIC INTERESTS

9.1 Market surveillance

Each Member State has **special ministerial departments** to monitor the implementation of laws and regulations designed to protect the economic interests of consumers.

Depending on their given areas of responsibility, a distinction is made between:

- departments with **general** responsibility:
 - at national or federal level (B, DK, E, F, GR, IRL, I, L, P, UK);
 - at regional or local level (A, E, S);
- departments with responsibility for a specific **sector**:
 - at national or federal level (A, B, D, DK, E, F, GR, P);
 - at regional or local level (D, DK).

In some Member States (A, D, I), consumer organisations also take part in market surveillance. Others (F, L) are trying to involve consumer organisations and even the consumers themselves in these monitoring activities.

Generally, market surveillance in Italy is the task of all the bodies responsible for monitoring compliance with the law.

*With particular regard to **unfair terms**, pending the transposition of Directive 93/13/EEC on unfair terms in consumer contracts, Act No 580 of 29 December 1993 on the reorganisation of the **Chambers of Commerce, Industry, Craft Trades and Agriculture** lays down among other things that these chambers may establish mechanisms for identifying unfair terms in contracts, and prepare and promote standard contracts between firms, their associations and consumer associations.*

*As regards **travel and holidays**, a legislative decree was recently adopted transposing Directive 90/314/EEC.*

²⁵ See Annex 7.

9.2 Access of consumers to justice and the settlement of consumer disputes in the single market

As regards **measures to be taken at Community level**, the replies received generally welcomed those put forward in the November 1993 Green Paper (A, B, DK, D, E, F, I, NL, P), although in some cases reservations were expressed (L, UK) or certain proposals were even opposed (DK, D). Some Member States, on the other hand, regretted that the proposed measures were not sufficiently binding (F) or thought they were too limited in scope (I).

The Green Paper is very important to Italy, and its proposals have attracted the attention of the business community and consumer associations. It might be useful to examine in greater depth the possibilities for partial harmonisation.

Consumer access to justice is one of the priorities of Italy's consumer policy.

Although there is no general law entitling consumer associations to bring actions, a first step towards legal protection of citizens and users was enshrined in the Act of 1991 which amended the Code of Civil Procedure and established the "justice of the peace", responsible for small disputes involving up to 30 million lire and for which no legal assistance is required.

Mention should be made of a pilot project called "Access to Justice by Consumers", carried out in Milan in 1991 by the Consumer Defence Committee.

9.3 How do you ensure the protection of consumers' economic interests?

Despite significant developments since 1994, relating in particular to the public sector (post and telecommunications), in most Member States the fields referred to are within the public sector and constitute **monopolies** run by state-owned enterprises in accordance with statutory provisions. Generally speaking, charges and conditions of use are laid down by the enterprises themselves, taking account of operating conditions, regulations issued by the public authorities, the interests of consumers, etc., but without the pressure of competition.

Only when some or all of these sectors are in free competition can the laws of the market operate properly (DK, IRL).

Depending on the circumstances, consumers' interests are safeguarded by:

- laws or regulations (B, DK, E, GR, L, NL) setting out the basic conditions for defending the interests of consumers;
- mediation services (B), councils (DK: bus), arbitration committees (NL) and other monitoring and approval procedures (DK) generally provided for by law;
- consumer organisations or councils (P, UK);
- recourse to the law (GR, NL);
- self-regulation (GR), particularly on the part of banks as regards advertising aimed at young people (A);
- the supervisory ministry (F, NL, P).

In Italy, without prejudice to the powers of the Ministry of Industry's Directorate-General for Harmonisation and Protection of the Market, protection of consumers' economic interests is entrusted to competent organisations in the various sectors.

The institutions with a monitoring and supervisory role include:

- ***Bank of Italy:** surveillance of the credit sector;*
- ***Consob** (National Commission Of Stock Exchange-listed Companies): supervision of companies listed on the Stock Exchange;*
- ***Isvap** (Institute for the Surveillance of Private Insurance Companies): surveillance and monitoring of the insurance sector;*
- ***Higher Institute for Accident Prevention and Safety at Work;***
- ***Directorate-General for Harmonisation and Protection of the Market** (Central Weights and Measures and Precious Metals Assay Office);*
- ***Office of Weights and Measures at the Ministry of Industry***

*Moreover, the recently established "authorities" are of particular importance in the public services, notably the **Competition and Market Supervisory Authority**²⁶, responsible amongst other things for monitoring and eliminating abuses of a dominant position and misleading advertising.*

9.4 In which domains is there a need for action at Community level?

Whilst Germany, Luxembourg and the United Kingdom see no reason for Community-level action other than that already decided upon, the other Member States have put forward a number of proposals for action while reiterating (DK) the importance they attach to the principle of subsidiarity.

In Italy, it is considered that Community action is required in the following areas:

- 1) *Banking sector*
- 2) *Mortgages*
- 3) *Distance learning*
- 4) *Marketing techniques*

²⁶ *Autorità Garante della Concorrenza e del Mercato.*

10 ENSURING ADEQUATE CONSUMER INFORMATION AND EDUCATION

10.1 Services responsible

In each Member State, **several services** are responsible for consumer information and education. As regards consumer education, they are mainly answerable to the ministry responsible for general consumer policy. Consumer education, on the other hand, is normally carried out through the education system and/or by services responsible to the Ministry of Education.

Among the Member States, these powers are exercised at national (B, DK, E, F, GR, IRL, L, P, UK), federal (B, D) and/or local level (E, S, UK) or at all three levels (*I*).

In Italy, consumer information activities are organised:

- *by the public administrations in the framework of their specific powers;*
- *by public bodies operating at central or local level, such as the regions, provinces, municipalities and Local Health Units, or;*
- *by private bodies, notably consumer associations.*

The start of the design phase for the creation of a shared databank on consumer protection²⁷ can certainly be regarded as the most significant project to be developed in 1998. The ultimate objective is to create an instrument of communication covering all the information produced by all parties active in this field, i.e. ministries, regions, consumer associations and, at local level, conciliation services run by companies.

10.2 Other organisations involved

Apart from consumer organisations, most of which are involved in these two areas of activity, and the media (radio, TV, press, etc.), **each Member State** has specialised organisations dealing with these two areas.

*In Italy, besides the consumer associations, there is the **European Consumer Information Agency** based in Turin, which was established in 1994 and is co-funded by the European Commission and the Piedmont Region.*

The agency has a wide range of tasks in informing, advising and helping consumers; it has a documentation centre on consumer law and consumer economics in Europe, an information office open to associations, groups and private individuals, and a Centre for Comparative Research which publishes studies, brochures and documents in the field.

10.3 What are the current priorities in these two sectors?

The replies to this question revealed two things:

- firstly, the extent to which those responsible for consumer policy in the Member States regard consumer education and information as a **priority** (A, F, IRL, L, P, S, UK).

²⁷ Banca dati "partecipata" per la tutela del consumatore.

- secondly, the **freedom of action** enjoyed by the services responsible for laying down current priority objectives in these two areas (D, F, UK).

The end result is a wide range of aims.

In Italy, it is believed that the time has come to focus attention on the instruments needed to ensure genuine consumer protection. To this end, consumer education and information are of potentially great significance.

It would therefore seem appropriate to undertake coordinated information actions at Community level, possibly supported by the Commission itself, and at the same time urge the national authorities to redouble their efforts in this area.

As regards education in particular, one might consider introducing into the curriculum for compulsory education a special subject called "Consumer education", as well as organising a series of courses on this topic on the public TV networks.

10.4 Priorities²⁸

3.4.1. The general impression created by the replies received is that most, if not all, of the subjects set out in Annex 8 are important and therefore, in a way, have priority (A, B, DK, D, GR, P); however, the degree of priority is difficult to establish since this depends on the competences of the various departments/ministries involved and in some cases on the extent to which they can act on their own authority.

3.4.2. Of the subjects mentioned, the **priorities** are as follows (in descending order of importance):

- consumer safety, and more specifically:
 - safety of foodstuffs (A, UK);
 - general product safety (A, DK, GR, IRL, L);
 - the EHLASS information system on home and leisure accidents (A, DK, E);
- financial services:
 - payment systems, insurance, banking, etc. (A, DK, F, GR, IRL, L);
- legislation relating to foodstuffs (A, DK, D, GR, P);
- package holidays (A, F, GR, L);
- labelling of shoes, energy, ecological label, quality label (A, DK, F, GR).

The other subjects are mentioned less frequently, which does not necessarily mean that they have lower priority (see comments in section 3.4.1 above). Some Member States even give top priority to these other subjects:

- safety of specific products (P), particularly toys (F) or pharmaceutical products (GR).

3.4.3 Other Member States mentioned as priority areas certain additional subjects:

²⁸ See Annex 8.

- cars, especially second-hand vehicles (A);
- estate agents (A);
- investment consultants (A);
- mail order (A);
- the new directives (B);
- general information on consumer rights and on structures to assist consumers (E);
- new products (E);
- guarantees (L).

Italy did not answer this question.

10.5 Television and consumer information

The situation **varies a great deal** between Member States.

In most Member States (A, B, D, E, GR, IRL, L, UK), there are no regular television broadcasts aimed at providing information to consumers emanating from the public authorities or consumer organisations,

However, if a particular issue makes the headlines, the TV channels may provide information on a subject-specific and occasional basis, sometimes in cooperation with the public authorities or certain organisations (B, E). Sometimes, if a particular issue is considered important enough, dedicated programmes may be broadcast on the topic (B, DK, D²⁹, UK).

There are only four Member States (DK, F, I, P) in which "consumer" information is regularly broadcast on TV.

In Italy, a total of eight programmes are regularly broadcast by RAI (the national television channel) and by private TV channels, on a weekly or seasonal basis.

In view of their number it is impossible to go into details. The most well known and popular programme is "Mi manda Lubrano", broadcast weekly by RAI 3 in the early evening (8.40 p.m.), which lasts approximately 90 minutes. The full list is as follows:

"Mi manda Lubrano", RAI-TV 3, Wednesday, 8.30 p.m.;

"Insieme", RAI-TV 3, Wednesday 6.35 p.m.;

"Utile e futile", RAI-TV 1 daily, 11.40 a.m.;

"Italia: istruzioni per l'uso", RAI-TV 3, Tuesday, 6 p.m. until 1994, then Radio 1 every morning;

"Lo sportello del cittadino", RAI-TV 2, daily, 10.30 a.m.;

"Radio Zorro", RAI-TV 2, Wednesday, 10.10 a.m.;

²⁹ "Health" information

"Forum", Canale-TV 5, daily, 11.45 a.m.;

"Di tasca vostra", Channel A, daily, 4 p.m.;

"Diogene", RAI-TV 2 until 1993;

"Caro Lubrano", RAI-TV 3, Saturday, 6.50 p.m.

These programmes are not broadcast by government departments or associated agencies. Some of them have already been broadcast during the past three years and will continue to be broadcast in the years to come.

ANNEX 1

Representatives of the Governments of the Member States and of the European Commission at the Consumer Affairs Council meeting on 23 April 1998

Austria

Mrs Barbara Prammer
Federal Minister for Women's Affairs and Consumer Protection

Belgium

Mr Jean Louis Six
Deputy Permanent Representative

Denmark

Mrs Pia Gjellerup
Minister for Industry and Commerce

Germany

Mr Lorenz Schomerus
State Secretary at the Federal Ministry of the Economy

Finland

Mr Antti Kalliomäki
Minister for Trade and Industry

France

Mrs Marilyse Lebranchu
State Secretary at the Ministry of the Economy, Finance and Industry

Greece

Mr Michalis Chrysochoïdis
State Secretary for Development

Ireland

Mr Tom Kit
Deputy Minister at the Department of Industry, Trade and Employment

Italy

Mr Roberto Rossi
Deputy Permanent Representative

Luxembourg

Mrs Marie-Josée Jacobs
Minister of the Family

Netherlands

Mrs Anneke Van Dok-Van Weele
State Secretary for Economic Affairs

Portugal

Mr Joa de Vallera
Permanent Representative

Spain

Mr Miguel Angel Navarro
Permanent Representative

Sweden

Mr Mickel Sjöberg
State Secretary at the Ministry of Immigration, Consumer Affairs, Youth and Sport

United Kingdom

Mr Nigel Griffiths
Under-Secretary of State at the Department of Trade and Industry

European Commission

Mrs Emma Bonino
Member of the Commission

ANNEX 2**Participants at the
meeting of senior consumer affairs officials held on 13 January 1998:****Austria**

Mr G Mayer
Bundeskanzleramt
VII/B
Radetzkystraße 2
A-1030 Wien

Mrs R Delerue
Permanent Representation
Avenue de Cortenberg, 30
B-1040 Bruxelles

Belgium

Mr L Van Boxstael, Directeur Général,
Mr Allardin and Mrs. Lemaigre
Ministère des Affaires économiques
Administration de la politique commerciale
Blvd Em. Jacqmain 154
B-1000 Bruxelles

Denmark

Mrs Bente Saltorp, Deputy Director General,
and Mr Kenneth Skov Jensen
National Consumer Agency of Denmark
Amagerfaelledvej 56
DK-2300 Copenhagen

Germany

Dr Jürg Ter-Nedden
Unterabteilungsleiter
Bundesministerium für Wirtschaft
Abteilung II
D-53107 Bonn

Finland

Mrs Marita Wilska
Director General
National Consumer Administration
Haapaniemenkatu 4A

PL 5
FIN-00531 Helsinki

Mr Erik Mickwitz
Consumer Ombudsman
Office of Consumer Ombudsman
Kaikukatu 3
PL 306
FIN-00531 Helsinki

Mr Mikko Könkkölä
Director of Legislation
Ministry of Justice
PL 1
FIN-00131 Helsinki

Mr Kristian Tammivuori
Government Counsellor
Ministry of Trade and Industry
Aleksanterinkatu 4
FIN-00170 Helsinki

France

Mr J Gallot
Directeur Général de la Concurrence, de la
Consommation et de la Répression des Fraudes
Ministère de l'Economie, des Finances et de l'Industrie
59, Bld Vincent Auriel
F-75703 Paris Cedex 13

Mr Ch Bacquart
Permanent Representation
Place de Louvain, 14
B-1000 Bruxelles

Greece

Mr Georgios Gad, Mrs Ekaterini Papalouka
Ministry of Development
Cannigos Square
GR-10181 Athens

Mrs C Tsoni
Permanent Representation
Rue Montoyer, 25
B-1000 Bruxelles

Ireland

Mr Fagan
Director of Consumer Affairs
4/5 Harcourt Road
IRL-Dublin 2

Italy

Dr Antonio Liroso
Direttore Generale per l'Armonizzazione e la Tutela del Mercato
Ministero dell'Industria
P.le dell'Industria 20
I-00100 Roma

Dr Attilio Mambelli
Dr Antonella Valery
Ministero dell'Industria
Via Molise 2
I-00187 Roma

Dr Giuseppe Porcelli
Dirigente
Dipartimento Veterinario e Alimentare
Ministero della Sanità
P.le dell'Industria 20
I-00100 Roma

Mr A Cagli
Permanent Representation
Rue du Marteau, 9
B-1000 Bruxelles

Luxembourg

Mr Michel Neyens
Conseiller de Direction 1ère classe
Mr Bob Schmitz
Consultant à Bruxelles
Ministère de la Famille
12-14 Ave E. Reuter
L-2919 Luxembourg

Netherlands

Dr N van Hulst
plv. directeur-generaal van Economische Structuur
and Mr Formsma
Ministerie van Economische Zaken
Bezuidenhoutseweg 30
Postbus 20101
NL-2500 EC Den Haag

Mr Van Eck
Ministerie van Volksgezondheid, Welzijn en Sport
Postbus 5406
NL-2280 HK Rijswijk

Mr Hecker
Ministerie van Landbouw, Natuurbeheer en Visserij
Postbus 20401
NL-2500 EK Den Haag

Portugal

Dr Lucas Estevão
Presidente do Instituto Nacional de Defesa do Consumidor
Pç Saldanha 31
P-1000 Lisboa

Dr Ana Castro
Ministerio da Agricultura
Rua Padre António Vieira 7
P-1000 Lisboa

Spain

Mr Ismael Díaz Yubero, Vicepresidente
and Mr Oscar López Santos, Subdirector General de Ordenación del Consumo
Instituto Nacional del Consumo
Príncipe de Vergas 54
E-28006 Madrid

Sweden

Carina Törnblom
Ministry of the Interior
Fredsgatan 8
S-103 33 Stockholm

Marianne Abyhammar
Deputy Consumer Ombudsman
Rosenlundsg. 9
PA 118 87
S- Stockholm

Stuart Slorach
National Food Administration
Deputy Director General
Hannespl. 5
PA Box 622
S-751 26 Uppsala

Mr M Tollerz
Permanent Representation
Place Meeûs, 30
B-1000 Bruxelles

United Kingdom

Geoff Horton
Office of Fair Trading
Field House
15-25 Bream's Buildings
UK-EC4A 1PR London

David Gladwell
Lord Chancellor's Department
Selborne House
54-60 Victoria Street
UK-SW1E 6QW London

Mrs Denise Love
MAFF
Ergon House
17 Smith Square
UK-SW1P 3JR London

Paul Salvidge
Director, Consumer Affairs and Competition Policy
Department of Trade and Industry
1 Victoria Street
UK - SW1H 0ET London

Mr B. Coates
Permanent Representation
Avenue D'Auderghem, 10
B-1040 Bruxelles

ANNEX 3**Consumer organisations in Italy**

ADICONSUM CISL
Via Lancisi 25 - 00161 Roma
Tel. 4417021 - Fax 441702305
Secretary-General: Dr Paolo Landi

ADOC
Via Lucullo n° 6 - 00187 - Roma
Tel. 4742608 - Fax 4753241
Director: Dr Gianni Salvarini

ADUSBEP
Via Farini n° 62 - 001185 - Roma
Tel. 4818632 - Fax 4818632
Director: Dr Elio Lannutti

ACU ASSOCIAZIONE CONSUMATORI UTENTI
Via Bazzini n° 4 - 20131 - Milano
Tel. 02/2664788 - Fax 02/26680664
Director: Dr Gianni Cavinato

ASSOCIAZIONE NAZIONALE COOPERATIVE CONSUMATORI - COOP
Via Panaro 14 - 00199 - Roma
Tel 8610171 - Fax 86320033
Director: Dr Gian Luca Cerrina Feroni

ASSOUTENTI
Via Celimontana n° 58 - 00184 - Roma
Tel. 70450594 - Fax 4820399
Director: Dr Mario Finzi

CODACONS
Viale Mazzini n° 73 - 00195 - Roma
Tel. 3251738 - Fax 37252450
Director: Avv G Lo Mastro
Contact: Dr C Rienzi

COMITATO DIFESA CONSUMATORI ALTROCONSUMO
Via Valnerina 22 - 20159 - Milano
Tel. 02/668901 - Fax 02/66890288
Director: Avv Paolo Martinello
Deputy Director: Prof Marino Melissano

FEDERCONSUMATORI
Via Sebastiano Veniero 8 - 00192 - Roma
Tel. 39735084-97 - Fax 39736705

Director: Sen Graziano Cioni
Secretary-General: Dr.ssa Anna Ciaperoni

LEGA CONSUMATORI ACLI
Via delle Orchidee n° 4/A - 20147 - Milano
Tel. 02/48303659 - Fax 02/48302611
Director: Dr Pietro Praderi

LEGAMBIENTE
Via Salaria n° 280 - 00199 - Roma
Tel. 8841552 - Fax 8552976
Director: Dr Ermete Realacci

MOVIMENTO CONSUMATORI
Via Adige n° 11 - 20135 - Milano
Tel. 02/5456551 - Fax 02/58301508
Director: Prof Gustavo Ghidini
Secretary-General: Dr Roberto Brunelli

MOVIMENTO DIFESA DEL CITTADINO
Piazza Cola di Rienzo n° 68 - 00192 - Roma
Tel. 3214230 - Fax 3222212
Director: Dr.ssa Marina Migliorato

MOVIMENTO FEDERATIVO DEMOCRATICO
Via Pompeo Magno n° 107 - 00192 - Roma
Tel. 3225739 - Fax 3230162
Director: Dr Giuseppe Cotturri

UNIONE NAZIONALE CONSUMATORI
Via Andrea Doria n° 48 - 00192 - Roma
Tel. 39737022 - Fax 39733329
Director: Dr Nino Gaeta
Secretary-General: Dr Vincenzo Dona

ANNEX 4**Consumer affairs observatory (Article 4)**

Definition: A “consumer affairs observatory”^{*} is a permanent structure whose task, in liaison with government and other public or private bodies concerned, is to cast light on consumer affairs through the provision of relevant information, notably on the hazards to which consumers are exposed, derived from systematic surveys and studies.

This “structure” may take different forms depending on the country in question, i.e. it may be a relatively rigid structure, such as a research institute, or a relatively flexible one such as a database network.

* Depending on the country, the term used is “consumer observatory” or “permanent consumer monitoring structure”.

ANNEX 5**Ministero dell' Industria, del Commercio e dell'Artigianato (MICA)**

As regards the MICA's role, it should be noted that it has additional responsibilities in regard to legislation, administration and operational work in various sectors. Its main areas of competence relate to the safety of electrical products, toys, appliances burning gaseous fuels, dangerous products and preparations, food labelling and textiles labelling, as well as activities relating to chemical products and pricing.

*The Ministry is also active in the field of insurance, where it supervises the ISVAP, the institute responsible for monitoring insurance companies. In the environment field, the MICA works with the **Ministry of the Environment** in applying the Community regulations on the ecological audit and ecological label and Act No 70/94 on the single environmental impact statement ("740 green"). Moreover, through the **Directorate-General of Energy Sources**, the MICA surveys and analyses the needs of users of public services provided by bodies subject to the control of this Directorate.*

*Finally, the Ministry's **local offices** play an important role, above all at operational level, i.e. the Provincial Weights and Measures Offices and the Provincial Offices for Industry, Commerce and Small Trades (UPICA), which are to be incorporated into the **Chambers of Commerce** from 1 January 1999 and which are mainly responsible for monitoring various categories of products and must also impose administrative penalties in the case of infringements.*

In this regard, with the entry into force of the new provisions on administrative decentralisation, even those tasks entrusted to the provincial weights and measures offices will be allocated to the Chambers of Commerce.

ANNEX 6***Structures for monitoring consumer affairs and related matters***

Mention should be made of the establishment of a number of independent "authorities", for example in the energy sector and the protection of privacy.

*In the field of misleading advertising, the Competition and Market Supervisory Authority (**Autorità Garante della Concorrenza e del Mercato**), established by Act No 287 of 10 October 1990, plays a major role. Decree No 74 of 25 January 1992 (transposing Directive EEC 84/450) lays down that competitors, consumers, their associations and organisations, the Ministry of Industry, Trade and Craft Trades, as well as any other organisation with a legitimate interest, may call on the Authority to ban misleading advertising and to eliminate its effects. The Authority's decision is binding. It may be appealed to the TAR (Regional Administrative Tribunal).*

*In the case of radio and TV commercials and press advertising, a different authority is responsible, namely the Radio and Press Supervisory Body (**Garante per la Radiodiffusione e l'Editoria**).*

The Competition and Market Supervisory Authority will also be responsible for monitoring comparative advertising.

*Health protection and safety are the responsibility of the Ministry of Health and the bodies attached to it, such as the Anti-Fraud Unit of the Carabinieri (**NAS - Nuclei Anti Sofisticazioni dell'Arma del Carabinieri**) and the Higher Health Institute, the regions, the municipalities and the Local Health Units.*

*The **Ministry of Agricultural Policies** and its subordinate bodies, in particular the Inspectorate for the Suppression of Fraud and the National Nutrition Institute, also have an important role to play as regards certain aspects of health protection, relating to food products and the development of initiatives with a view to orienting consumption and nutrition education. The **Ministry of Finance Customs Service** is responsible for monitoring product safety at the country's external frontiers.*

*The **Ministry of the Environment** is responsible for environmental protection, while the **Ministry of the Interior** is involved by virtue of the safety duties of its subordinate bodies, notably the Fire Brigade.*

*One should also mention the **Ministry of Justice**, which handles problems in regulating numerous judicial institutions referred to in the Civil Code and in special laws (timeshare, restrictive agreements, etc.) and all aspects linked to the delicate problem of consumer access to justice.*

*As regards consumer credit and the transparency of banking rules, the **Ministry of the Treasury** and the **Bank of Italy** are responsible, whereas the **Ministry of Education** has an important role to play in the case of consumer education initiatives, particularly the organisation of campaigns and information courses in schools.*

*Neither should the **Ministry of Transport** be forgotten, which is responsible for protecting users of means of transport both as regards the safety and quality aspects, the*

Ministry of Public Works, mainly responsible for safe housing, and the **Presidency of the Council of Ministers** (Departments of Tourism and of Social and Family Affairs), responsible for protecting consumers in their respective fields of competence.

The supervisory systems described above may be reinforced at central and local level, which will also improve coordination between the competent bodies in the context of an approach focusing on the effective enforcement of the law. The follow-up mechanisms will therefore need to be adapted in line with these new responsibilities.

ANNEX 7

Management of public utility services

The independent authorities supervise the utilities at the distribution level, where they play the role of a "third party" regulator vis-à-vis the public authority granting the concession and the concessionary firm itself; they also protect users, in their role as watchdogs of the principles set out in the Government Directive of 27 January 1994 (principles governing the supply of public services).

*As regards individual users, the **Public Services Charter** is a particularly important instrument. It was prepared by the Department of the Civil Service, on the basis of similar experiences in other countries. It was submitted to the administration, service providers and trade union organisations for their opinion; after receiving feedback from these bodies, the definitive version of the charter was published in September 1993. Since then the Department has mounted various initiatives designed to promote the implementation and enforcement of the principles contained in it.*

*On the one hand, the Charter has been fleshed out in the form of an important piece of legislation, namely the Directive of the President of the Council of Ministers of 27 January 1994 on the **principles governing the provision of public services**, which basically reproduces the content of the Charter itself. On the other hand, there were immediate attempts to enforce the charter even before its provisions became legally binding; also, independently of this, via the "experimental system" (on a voluntary basis), some 70 charters were prepared, including branch-specific ones and those for various bodies (32 in the health sector, 18 at local government level, 6 concerning the environment, 15 in the commercial public services sector, etc).*

The Public Services Charter enshrines fundamental rules concerning the provision of public services, defining citizens' rights and the obligations of the bodies providing those services.

The Charter was inspired by the need to adopt clear and written commitments between the supplier and the individual user governing the provision of public services, so as to ensure the efficiency of the services, stable relations between suppliers and users, and the foreseeability of the results, in accordance with certain preconditions. Hence the Charter follows an approach which is based on citizens' rights and their legal status vis-à-vis suppliers. However, it is also a basic instrument for suppliers, for gauging and verifying the services supplied and also as an aid to "self-regulation".

*In the case of certain service sectors, practical codes have been prepared at the initiative of the economic categories most representative of the various sectors. Particular mention should be made of the code of fair practice in advertising ("**Codice di Autodisciplina Pubblicitaria**").*

There are also a number of initiatives in the field of conciliation and arbitration. An attempt to lay down specific forms of arbitration for disputes concerning the telephone service was made on the basis of an agreement (24 July 1989) between the SIP (Italian Telecom) and 12 consumer organisations.

*A similar agreement between **Confcommercio** (National Confederation of Traders' Associations) and consumer associations has not yet been implemented.*

*Similarly, another agreement is being worked out by **Confesercenti** (another organisation in the trade and retail sector). The agreement's protocol lays down that the **Confesercenti** shall nominate, in the various provincial and regional centres, a representative responsible for resolving disputes between consumers and traders. If it proves impossible to settle the dispute, the parties may resort to arbitration or, failing that, the justice of the peace.*

*Mention should be made of another agreement signed on 15 April 1992 between consumer associations belonging to the **CNCU** (*Consulta nazionale dei consumatori e degli utenti*), **AVIDESCO** (Association of doorstep sellers), **ANIPAV** (National Association of Travel Agencies) and the **AIE** (Italian Association of Publishers), with a view to establishing an observatory on disputes associated with contracts negotiated away from business premises.*

Moreover, various agreements on conciliation procedures have been signed at regional and local level both with consumer associations at national level and with various organisations at regional and provincial level.

*Finally, in the banking sector, the **ABI** (Association of Italian Banks) recently concluded an agreement to establish a customer complaints office and a bank ombudsman.*

This agreement lays down that each credit institution shall establish a complaints office and join a collegiate body, called the "bank ombudsman". The job of these offices is to handle disputes with clients in their area of competence. Inter alia, the complaints office may examine complaints submitted by clients, which must be sent by the credit institution or presented to the competent office. Complaints must be settled within 60 days of submission.

*In addition, mention should be made of one of the professional voluntary supervisory bodies whose mission is to prevent or mitigate disputes between citizens and the public administration, the regional "**difensore civico**" or mediator.*

The mediator steps in at the request of private citizens who have already consulted the regional offices, or at the request of bodies or firms in the region, who have not obtained a response or who are dissatisfied with the response they have obtained. The mediator's job is to provide assistance and advice, to consult the regional bodies, to seek information and clarification and, in certain cases, to examine case files concerning the citizens, together with the regional officials, in order to settle the dispute.

Finally, the above-mentioned Act No 583/1993 lays down that the Chambers of Commerce, Industry, Craft Trades and Agriculture may, either individually or in association, promote the establishment of arbitration and conciliation committees to settle disputes between firms and consumers/users.

*In the advertising sector, the "**Giurì di Autodisciplina**", established by the Institute For Fair Practice In Advertising, is responsible for settling disputes, and has been in*

operation for several years, and the "Autorità Garante della Concorrenza e del Mercato" has been combating misleading advertising since 1992 (see point 4).

Generally, information on measures of this kind is provided to consumers by the consumer associations, either through the periodicals they publish or through the advisory services which they provide to their members.

ANNEX 8**Themes of Community interest**

- Safety of products and services
 - general product safety*
 - product liability
 - system of information on home and leisure accidents (EHLASS)*
 - rapid alert system
 - safety of services
- Safety in regard to certain specific products
 - textiles
 - cosmetics
 - toys
 - pharmaceutical products
 - water (including the environment)
- Food legislation*: mainly concerns labelling, price indication, quality control, novel and/or particular products, hygiene and additives.
- Economic and financial matters
 - consumer credit
 - financial services (payment systems, insurance, banking)*
 - VAT
- Travel and tourism
 - package holidays*
 - booking systems
 - overbooking
- Other
 - labelling (footwear, energy, ecological label, quality label)*
 - misleading advertising
 - unfair terms in consumer contracts

* Themes most frequently cited as having priority.

ANNEX 9

EUROPEAN COMMISSION CONSUMER COMMITTEE

AUSTRIA

MEMBER

Herr Hannes SPITALSKY
Direktor
Verein für Konsumenteninformation
Postfach 440
A-1061 WIEN

BELGIUM

MEMBER

Monsieur S. MAUCQ
Test-Achats
Rue de Hollande, 13
B-1060 Bruxelles

DENMARK

MEMBER

Hr. Peter NEDERGAARD
Director
Forbrugerrådet
Danish Consumer Council
Fiolstræde 17, Postboks 2188
DK-1017 KØBENHAVN K

FINLAND

MEMBER

Mrs Sinikka TURUNEN
The Finnish Consumers' Association
Mannerheimintie 15A
FIN-00260 HELSINKI

FRANCE

MEMBER

Monsieur Gérard MONTANT
INDECOSA-CGT
(Association pour l'Information et la Défense des Consommateurs Salariés)

Rue de Paris 263
F-93516 MONTREUIL CEDEX

GERMANY

MEMBER

Herr Dirk KLASEN
Arbeitsgemeinschaft der Verbraucherverbände e.V.
Heilsbachstrasse 20
BONN

GREECE

MEMBER

M. Sotirios PASCHALIDIS
KEPKA
Vas. Irakliou str. 40
GR-54623 THESSALONIKI

IRELAND

MEMBER

Mrs Bridin TWIST
Irish Countrywomen's Association
Central Office
58 Merrion Road
IRL-DUBLIN 4

ITALY

MEMBER

Sig. Vincenzo DONA
Unione Nazionale Consumatori
Via Andrea Doria 48
I-00192 ROMA

LUXEMBOURG

MEMBER

Monsieur Aloyse SCHMITZ
Union Luxembourgeoise des Consommateurs
Rue des Bruyères, 55
L-1274 HOWALD

NETHERLANDS

MEMBER

Mr Koos ANDERSON
Consumentenbond
Enthovenplein 1
Postbus 1000.
NL-2500 BA DEN HAAG

PORTUGAL

MEMBER

Dra. Elisa RAMOS DAMIÃO
Presidente
União Geral de Consumidores
rua de Buenos Aires 11
P-1200 LISBOA

SPAIN

MEMBER

D. Francisco Javier ANGELINA
Vice-Presidente, Consejo de Consumidores y Usuarios
C/ Maldonado, 4
E-28006 MADRID

SWEDEN

MEMBER

Mrs Maicen EKMAN
President
Swedish Consumer Council (Sveriges Konsumentrad)
Barnhusgatan 22, 3tr
S-11123 STOCKHOLM

UNITED KINGDOM

MEMBER

Mrs Anne DALTROP
Flat 1A
14 Lewes Crescent
Brighton BN2 1FH
UK-East Sussex

BEUC

Mr. Jim MURRAY
Director
BEUC
Av. de Tervuren, 36
B-1040 Bruxelles

IEIC

Mireille LEROY
Director
Rue Gantois, 79
F-59000 Lille

COFACE

M. Noël MOLISSE
Director of Studies
COFACE
Rue de Londres, 17
1050 Bruxelles

CES - "Euro-C" - ETUC

European Trade Union Confederation
Mme Anna CIAPERONI
Via Sebastiano Veniero 8
I-00192 Roma

CES-ETUC
Bld Emile Jacqmain, 155
B-1210 Bruxelles

M. Pierre MARLEIX
CGT-FO AFOC
Avenue du Maine, 141
F-75014 Paris

EURO COOP

Mme Caroline NAETT
Rue Archimède, 17
B-1000 Bruxelles

Monsieur Pierre DEJEMEPPE (F)
FEBECOOP (Centre Coopératif de la Consommation)
Rue Haute 28
B-1000 Bruxelles