

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

11221/83 (Presse 215)

892nd meeting of the Council

- Consumer Protection -

Brussels, 12 December 1983

President: Mr Theodoros PANGALOS,  
Deputy Minister for Trade  
of the Hellenic Republic



The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Marc LEPOIVRE  
Deputy Permanent Representative

Denmark:

Mr Jakob RYTTER  
Deputy Permanent Representative

Germany:

Mr Klaus KINKEL  
State Secretary,  
Federal Ministry of Justice

Greece:

Mr Theodoros PANGALOS  
Deputy Minister for Trade

France:

Mrs Catherine LALUMIERE  
State Secretary at the Ministry  
of Economic Affairs, Finance and  
the Budget, with responsibility  
for Consumer Affairs

Ireland:

Mr Michael MOYNIHAN  
Minister of State at the  
Department of Trade, Commerce  
and Tourism

Italy:

Mr Nicola Maria SANESE  
State Secretary,  
Ministry of Industry, Trade and  
Craft Trades

Luxembourg:

Ms Colette FLESCHE  
Vice-President of the Government,  
Minister for Foreign Trade and  
Co-operation

Netherlands:

Mr P.H. van ZEIL  
State Secretary,  
Ministry of Economic Affairs

United Kingdom:

Mr Alexander FLETCHER  
Parliamentary Under-Secretary  
of State for Corporate and  
Consumer affairs

Commission:

Mr Karl-Heinz NARJES - Member

STATEMENT ON CONSUMER PROTECTION AND INFORMATION POLICY

On the occasion of the first meeting on the Community's consumer protection and information policy, the Council held a wide-ranging exchange of views on the basis of an oral statement which Mr NARJES made on behalf of the Commission.

During the discussion, all delegations stressed the importance they attached to the continuation of a Community policy in this area pursuant to the second action programme (1981-1986); they said that such a policy should also take into account other Community policies directly affecting consumer interests (including competition, agriculture and internal market). It was also acknowledged that improved consumer protection within a free and open market, under conditions of equal competition, should not lead to obstacles to the free movement of goods, cumbersome bureaucracy or inappropriate extra burdens on the productive sector.

After the discussion the Council asked the Commission to report back for its next meeting (Consumer Protection) on progress in the implementation of the measures provided for under the second consumer protection and information programme (1981-1986).

COMMUNITY SYSTEM FOR THE RAPID EXCHANGE OF INFORMATION ON DANGERS  
ARISING FROM THE USE OF CONSUMER PRODUCTS

The Council approved the proposal for a Decision introducing a Community system for the rapid exchange of information on dangers arising from the use of consumer products. The aim of the Decision is to introduce a Community system for the rapid exchange of information between the Member States and the Commission to enable the Member States to take the appropriate urgent measures where it is found that a particular consumer product presents a danger to the health or safety of the consumer.

The Decision will be adopted formally after the legal/linguistic finalization of texts.

LIABILITY FOR DEFECTIVE PRODUCTS

The Council continued its discussions on the amended proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products. It took as a basis the overall compromise solution on which its discussions since February 1982 had been based and which concerned the fundamental questions raised by the proposal.

After discussion, the Council asked the Permanent Representatives Committee to continue seeking an overall compromise, in particular on the question of a financial limit, and to report back for its next meeting.

### MISLEADING AND UNFAIR ADVERTISING

The Council held an initial exchange of views on the amended proposal on the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading and unfair advertising. It concentrated on the main questions raised by the proposal, in particular its scope and a number of problems concerning the administrative and judicial protection of consumers.

After the discussion, the Council asked the Permanent Representatives Committee to press forward actively with its discussions on this matter in order to enable it to take a final decision as soon as possible.

### DOOR-TO-DOOR SALES

The Council examined the proposal for a Directive to protect the consumer in respect of contracts negotiated away from business premises, the main purpose of which was to grant consumers the right to cancel, within a period of seven days, contracts concluded away from the business premises of the trader.

The Council reached a broad consensus on the proposal. It noted, however, that it was unable to take a final decision at this stage, and accordingly asked the Permanent Representatives Committee to continue examining the issue.

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Bruxelles, le 13 decembre 1983

NOTE BIO (83) 529 AUX BUREAUX NATIONAUX  
c.c. aux membres du groupe du porte parole

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OBJET : REUNION DU CONSEIL "CONSOmmATEURS" DU LUNDI  
12 DECEMBRE 1983 (O. von Schwerin)

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La premiere reunion du Conseil "Consommateurs" s'est deroulee dans une atmosphere tres constructive. La declaration introductive de M. Narjes, dont le contenu reprenait les grandes lignes de sa declaration du 9 decembre (note IP 435), a trouve une resonance unanimement positive aupres des delegations.

En effet, toutes les delegations se sont felicitees de l'initiative de tenir des conseils specifiques "consommateurs" et notamment dans cette phase difficile de la politique europeenne, qui comporte le risque d'un eloignement de plus en plus serieux du citoyen europeen, avec toutes les consequences que cela pourrait avoir sur les prochaines elections europeennes.

Mme Lalumiere, chef de la delegation francaise s'est montree particulierement determinee en annoncant que sous sa presidence, il y aurait au moins deux autres reunions du Conseil de ce genre.

Les differents points de l'ordre de jour ont ete traitees comme suit :

1. proposition de decision du Conseil instaurant un systeme communautaire d'echange rapide d'informations sur les dangers decoulant de l'utilisation des produits de consommation (datant de 1979).

Cette proposition a pu etre adoptee apres une dicussion approfondie qui a amene notamment la delegation danoise a retirer sa reserve generale. Ce systeme d'alarme a connu une certaine actualite suite a la catastrophe dite des huiles frelatees survenue en Espagne en 1981, qui a coute la vie a au moins 300 personnes, et qui a certainement renforce la sensibilite du Parlement europeen et du Conseil dans ce domaine. Le systeme qui devrait fonctionner d'une facon peu bureaucratique et couteuse, consiste essentiellement en une information systematique, au niveau communautaire, par chaque Etat membre des mesures restrictives prises pour prevenir des dangers decoulant des echanges ou de l'utilisation de certains produits.

2. Proposition de directive en matiere de publicite trompeuse et deloyale (datant de 1978).

Des progres ont ete enregistres, notamment l'accord du Conseil sur la ligne de la Commission de limiter actuellement la directive a la publicite trompeuse (qui est en fait le probleme essentiel dans l'interet des consommateurs et de reserver le volet "publicite deloyale" a un stade ulterieur. Le Conseil a renvoye le dossier au Coreper en esperant pouvoir finaliser la directive pour un prochain Conseil special.

3. Directive sur les contrats negocies en dehors des etablissements commerciaux (ventes de porte a porte) (datant de 1977)

M. Narjes a souligne l'importance de cette proposition dont la necessite d'une reglementation au niveau communautaire a ete contestee par certaines delegations, en faisant valoir l'interet de 15 millions de citoyens ressortissants des regions frontalierees. La reserve danoise quant a la necessite de cette directive s'est attenuue, tandis que du cote allemand, on a emis une reserve de fond a l'egard de cette proposition.

4. Proposition de directive sur la responsabilite du fait des produits defectueux.

Cette proposition, qui date de 1976, est sans doute la plus importante au point de vue economique. Elle se heurte depuis longtemps a l'opposition allemande. En effet, conformement a leur legislation nationale, les Allemands pretendent ne pas pouvoir accepter le principe d'une responsabilite illimitee.

D'autre part, sur les autres grands principes de cette proposition, a savoir :

- responsabilite independante de la culpabilite,
- exclusion du risque de developpement,

un accord a pu etre enregistre. Les chances d'une adoption de cette proposition lors d'un prochain Conseil sont reelles

AMITIES

M. SANTARELLI COMEUR////

