

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

5366/84 (Presse 39)

913th meeting of the Council

- Consumer Protection -

Brussels, 2 March 1984

President: Mrs Catherine LALUMIERE
State Secretary
at the Ministry of Economic Affairs,
Finance and the Budget,
with responsibility for Consumer Affairs
of the French 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 I.B. STETTER
Minister for Industry

Germany:

Mr Klaus KINKEL
State Secretary,
Federal Ministry of Justice

Greece:

Mr Andréas KAZAZIS
State Secretary
Ministry 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:

Mr Jean FEYDER
Deputy Permanent Representative

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

LIABILITY FOR DEFECTIVE PRODUCTS

The Council discussed the amended proposal for a Council Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products. It concentrated in particular on the question of a possible financial limit on the producer's liability.

At the end of the debate, the Council instructed the Permanent Representatives Committee to continue examining the proposal for a Directive, making a more detailed study of a number of compromise solutions which have been submitted regarding the question of a financial limit and analysing the economic consequences resulting from the adoption of such a Directive. The Council meeting on Consumer Affairs will discuss this matter again in June 1984.

MISLEADING ADVERTISING

The Council continued its examination of the proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising. The purpose of this Directive is to protect consumers, persons carrying on a trade or business or practising a craft or profession and the interests of the public in general against misleading advertising. To this end, the Directive provides that consumers or competitors have a right to take legal action against misleading advertising or refer the matter to an administrative body.

It focussed its attention on the main problems still unresolved and made significant progress, particularly as regards the criteria for access to the various bodies of legal recourse and on the definition of misleading advertising.

At the close of the debate, the Council asked the Permanent Representatives Committee to seek solutions to the unresolved questions so that the Directive could be adopted at its next meeting, to be held in June.

DOOR-TO-DOOR SALES

The Council continued its discussions on the proposal for a Council Directive to protect the consumer in respect of contracts negotiated away from business premises, the main purpose of which is to give consumers the right to cancel contracts concluded away from the trader's business premises within seven days.

The Council resolved the specific problems of substance outstanding with regard to this Directive. However, one delegation maintained a general reservation on the proposal.

At the end of the discussion the Council called on that delegation to reconsider its position so that the Directive could be adopted as soon as possible.

COMMUNICATION ON CONSUMER POLICY

The Council took note of a communication from Mr NARJES, Member of the Commission, on consumer policy.

After an initial discussion, the Council asked the Permanent Representatives Committee to examine this communication so that the Council could continue discussing it at its next meeting.

MISCELLANEOUS DECISIONS

Additional decision on consumer protection

The Council adopted in the official languages of the Communities the Decision introducing a Community system for the rapid exchange of information on dangers arising from the use of consumer products (see Press Release 11221/83 (Presse 215) of 12.XII.83 - p. 4).

Food Aid

In preparation for the Community's participation in the WFP Pledging Conference in New York on 6 March 1984, the Council approved the statement to be made at that Conference concerning the Community's contribution.

Bruxelles, le 1.3.1984

NOTE BIO (84) 98 aux Bureaux Nationaux
c:c. aux Membres du Groupe du Porte Parole

PREPARATION CONSEIL CONSOMMATEURS (O. von Schwerin)

Le deuxieme Conseil Consommateurs aura lieu le 2 mars sous la presidence de Madame Lalumiere. L'ordre du jour contient essentiellement les memes points sur lesquels le Conseil du 12. decembre n'a pas pu aboutir, mais les chances de succes ne paraissent pas pour autant plus grandes.

1. Responsabilite du fait des produits: Proposition de directive de 1976

Piece de resistance de ce Conseil:

Trois problemes fondamentaux restent a resoudre:

- a) inclusion des risques de developpement?
- b) plafond financier pour la responsabilite?
- c) inclusion des dommages materiels?

A la reserve traditionnelle de la delegation allemande, qui exige un plafond, s'ajoute maintenant une reserve italienne concernant les aspects economiques de la proposition, qui devraient etre approfondis par la Commission.

2. Proposition de directive sur la publicite trompeuse:

Les Problemes ouverts sont:

Renversement de la charge de preuve et procedures administratives (notamment R. U. pour une limitation aux cas importants).

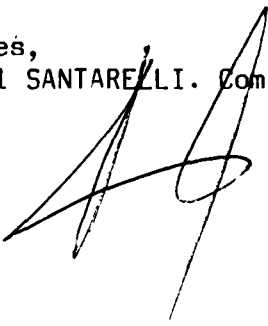
3. La directive sur les ventes a domicile:

(Introduction d'un droit general de revocation dans les 7 jours.)
La proposition se heurte toujours a l'opposition de la part du Danemark et de la RFA, qui contestent la necessite tout court d'une legislation communautaire dans ce domaine.

4. Enfin, Monsieur Narjes abordera la discussion au Conseil sur:

- a) Un rapport sur les resultats et les perspectives de la politique des consommateurs, 10 ans apres son institution.
- b) Une analyse des dispositions existantes et des perspectives d'harmonisation concernant les abus par des clauses de contrats conclus avec des consommateurs (voir MEMO 13/84 du 14 fevrier 1984).

Amities,
Manuel SANTARELLI. Comeur 11h////



Bruxelles, le 2 mars 1984

NOTE BIO (84) 98 suite 1 et fin AUX BUREAUX NATIONAUX
c.c. aux membres du groupe du porte parole

Objet : REUNION DU CONSEIL "CONSOMMATEURS" (E.von Schwerin)

La reunion, presidee par Mme Lalumiere, s'est deroulee dans une atmosphere constructive, bien que tous les points de l'ordre du jour, discutes jusqu'ici, aient du etre renvoyes au Coreper pour finalisation.

1. Responsabilite du fait des produits

Des trois problemes fondamentaux (voir notre BIO Preparation), seul celui du plafond financier pour la responsabilite a ete discute, la delegation allemande insistant sur un tel plafond, dont la fixation a 75 MUCE, tel que propose par la Commission etait consideree comme trop elevee.

Le Coreper examinera ce probleme ainsi que la question evoquee par la delegation italienne concernant les aspects economiques generaux de cette proposition.

Les chances d'une adoption de cette directive au mois de juin paraissent toujours limitees.

2. Proposition de directive sur la publicite trompeuse

La discussion a porte notamment sur la question de savoir si les Etats membres peuvent maintenir ou introduire une legislation plus rigoureuse. Le Royaume-Uni a defendu le fait que cette legislation ne devrait concerner que des cas importants. Les autres points principaux ont ete examines sous un aspect plutot redactionnel : renversement de la charge des preuves et definition de la publicite deloyale et comparative qui reste en dehors du champ d'application de cette directive et fera l'objet, selon une indication de M. Narjes, de propositions ulterieures de la Commission au cours de cette annee.

3. Directive sur les ventes a domicile

Ce texte sera discute plus tard dans la soiree. Une adoption ne parait guere probable en raison de l'opposition generale des delegations allemande et danoise.

Il semble que la presidence s'oriente plutot vers la recherche de resultats concrets lors de la prochaine reunion du Conseil, en juin prochain, c'est-a-dire a une date plus rapprochee des elections europeennes, et concernant une matiere qui vise directement les interets des citoyens.

AMITIES

M. SANTARELLI COMEUR



