



INFO-C

INFORMATION FROM THE POLICY SERVICE OF THE EUROPEAN COMMISSION - VOL. IV, No 6 - 1994

Firstly, please accept our apologies for the delay in mailing the last issue of **INFO-C**. You should have received an up-to-the-minute edition in the second half of October. However, the four weeks' delay meant that some of the contributions were made to look quite ridiculous. The Consumer Policy Service points out that it bears absolutely no responsibility for the delay and has urged those responsible for this regrettable incident to ensure that a similar act of negligence does not happen again.

To continue on a more pleasant note, we are happy to present **INFO-C** in a novel packaging: thanks to the unstinting commitment of those concerned, **INFO-C** rounds off this year with a new look. However - *plus ça change ...* - it is still printed on that irresistible canary yellow that brings sunshine to your office and without which **INFO-C** would not be quite the same.

The year's end is also a turning-point, what with the departure of our current Commissioner Christiane Scrivener who, provided Parliament gives the go-ahead, will be replaced by Emma Bonino. This issue briefly profiles our future Commissioner. Again, the Presidency

of the Council passes from Germany to France at year's end. The French Permanent Representation has forwarded us France's consumer affairs agenda, which we also publish in this issue.

Something New!

Although the Consumers Affairs Council did not meet on 31 October as scheduled, things are moving ahead. The European Consumer Forum has come up with concrete

proposals on access to justice and on guarantees and after-sales services; the Commission has decided to propose a directive on cross-border payments; the timeshares directive has been adopted, and the Ehlass system for the surveillance of home and leisure accidents has been extended.

This issue also contains contributions on motor cars and toys (aren't they the same thing?), briefings on various conferences and position statements on current consumer issues, as well as a profusion of reviews of books, magazines, and documents, selected for their particular interest.

We hope you enjoy reading this issue and wish you all a happy Christmas and prosperous New Year.

INFO-C

European Commission
Consumer Policy Service
rue de la Loi 200
B-1049 Bruxelles
Tel: +32 2 296 55 37
Fax: +32 2 296 32 79

Editor:
Nicolas Genevay

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A New Commissioner for Consumer Protection

On 29 October the designated members of the future European Commission allocated the humanitarian aid and consumer policy portfolios to **Emma Bonino**, an Italian national and member of the Radical Party, though the decision will not take effect until its approval by the European Parliament at its plenary part-session in January 1995. Emma Bonino has in the past been elected to the Italian Chamber of

Deputies and to the European Parliament. Her political activities testify to her abiding commitment to the most demanding causes. She has campaigned in turn (and sometimes simultaneously) for the legalisation of abortion, disarmament and the banning of nuclear weapons, better funding of the war on poverty, protection of Russian Jews, abolition of the death penalty and recognition of the former Yugoslav Republics.

The French Presidency's Agenda

France has always been in favour of an active Community consumer policy. This policy is now enshrined in Title XI of the Treaty, in Article 129a on consumer protection. Such a policy is also essential to the smooth functioning of the single market, which is predicated on consumers' confidence in the quality of the products and services offered to them. Thus Community consumer policy is not just a separate compartment in European construction; it must also be integrated in and influence the other common policies (for example, in the same way as industrial policy must dovetail with environmental protection requirements).

The Consumer Affairs Council will be chaired by Edmond Alphandéry, Minister for the Economy, who holds the consumer affairs portfolio in the French government.

The Consumer Affairs Council is scheduled to meet every six months. With an eye to the French Presidency, Edmond Alphandéry had commissioned a study from Senator Fauchon, whose report *«A new impetus to consumer protection in Europe»* is summarised below.

The attached action list covers the dossiers currently being discussed at Council. The French Presidency will focus on work in progress, but will also tackle more recent or forthcoming proposals, embracing such crucial topics as guarantees, access to justice and the settlement of consumer disputes. Other themes or initiatives may be added in the future.

France would like to thank Christiane Scrivener for the impetus she has given to all the consumer policy dossiers during her term of office. We hope that the new Commission will take initiatives to trigger new debates within the Council, for example in regard to labelling claims and childcare articles.

LIST OF CONSUMER AFFAIRS DOSSIERS TO BE TREATED DURING THE FRENCH PRESIDENCY

- *indication of unit prices*: a proposal should be tabled by end 1994;
- *distance selling*: depending on the progress made during the German Presidency, this dossier could be ready for a common position or for a second reading;
- *comparative advertising*: as above;
- *legal guarantees*: the dossier will be treated in accordance with the Commission's agenda, following up the conclusions of the first European Consumer Forum held in October;
- *access to justice and the settlement of consumer disputes*: as above;
- *labelling claims*: a draft is being prepared;
- *programme of future actions*: an initial debate should allow the Commission to establish its priorities and hence to encourage an exchange of views with an eye to an active Community consumer policy.
- *cross-border payments*: to be treated in accordance with the Commission's agenda.

Summary (13 October 1994) on the report by Pierre Fauchon, Senator for Loire-et-Cher: «A new impetus to European consumer policy»

Senator Fauchon first takes stock of consumer policy in the European Union, arguing that «it is no way given priority, and sometimes even seems to be put on the back burner». In reality, he goes on to say, the European authorities view the



consumer merely as a passive beneficiary of the single market.

Pierre Fauchon goes on to explain the need for a new impetus to consumer policy at European level. He argues that consumer-friendly measures have four basic virtues:

- a social function, i.e. consumer information and protection;
- an economic function: discerning consumers encourage keener competition;
- a positive impact on the environment: the most active consumers are also those most sensitive to the environment;
- promotion of the political life of the Union: democracy is rooted in everyday life, which is of course the focus of consumer protection.

Senator Fauchon proposes two measures to breathe new life into consumer policy:

- create a strong and independent ombudsman-type body;

- create a permanent arena for consultation and cooperation between consumers and professionals, namely the European Consumer Council (ECC).

The ombudsman would be an independent body at the service of consumers, nominated both by Council and Parliament, and would have untrammelled freedom of activity and expression, including access to the press. The ombudsman would be widely accessible in that MEPs and «representative» consumer organisations would be entitled to bring cases before it. Although it would have no executive or judicial powers, it would have a consultative role in consumer policy decision-making.

The European Consumer Council would be a forum in which consumers and professionals could air their views in good faith, so as to work out common positions and methods. This could only make for a healthy climate of confidence, or at least of comprehension. Creating such an institution would also be a concrete stride in the building of Europe.

Timeshare: Definitive Approval of the Directive

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In the context of the conciliation procedure provided for in Article 189b of the Treaty¹, the **European Parliament and Council's Conciliation Committee** agreed on a common text of a Directive concerning the protection of purchasers of timeshares. The next step was for the Council to adopt the Directive, which it did on 25 October². The objective of this Directive is to protect purchasers of the right to use immovable properties on a timeshare basis by mandating that certain items of information be included in the sales contract and imposing detailed procedures concerning cancellation and withdrawal. Thus in future the consumer must be provided with a detailed description of the property, he may choose to have the contract drafted either in the language of the Member State in which the property is located or that of his own Member State, and has the right to withdraw without giving any reason within 10 days of signing the contract, during which period advance payments are prohibited. Moreover, in the case of properties under construction at the time of signature, the contract must indicate the state of advancement of the works and their probable completion date. After publication in the *Official Journal*, the Member States will have 30 months to transpose this Directive into domestic law.

Contact:

European Commission
Consumer Policy Service
Unit 6
rue de la Loi 200
B-1049 Brussels
Tel: +32 2 299 11 11
Fax: +32 2 296 32 79

¹ In certain areas of Community legislation (including consumer policy), the Treaty provides for a **third reading** by the European Parliament, accompanied by a **conciliation procedure** between the Council and the EP when the two disagree. If conciliation fails, the Council may confirm the common position to which it agreed prior to the conciliation procedure, but the EP, by an absolute majority of its members, has the right to reject the text within a period of six weeks. The Commission participates in the work of the Conciliation Committee and takes all necessary initiatives with a view to reconciling the EP and the Council. In the case of this Directive, the EP insisted on substantial amendments to the common position adopted previously by the Council, making it considerably more favourable for consumers.

² Directive 94/47/EC of 26 October 1994, OJ No L 280, p. 83.



Motor Vehicles: Proposal for a New Regulation on Exclusive Distribution

On 3 October the **Commission** adopted a proposal for a new regulation on the exclusive distribution of motor vehicles¹, presented by Karel Van Miert, Member of the Commission responsible for competition. The project represents a compromise between the wish to eliminate all exclusive agreements (the position of the consumers' associations) and the wish to maintain them (the position of the motor vehicle industry).

The EBCU has, in fact, been expressing the view that this Regulation is an obstacle to full realisation of the single market for some considerable time. It points out that the motor vehicle industry was granted this exemption from the general rules of the market on condition that the differences between the Member States' new vehicle prices did not exceed 12% in the long term or 18% over periods of under one year, and that consumers would be free to buy their vehicles in any Member State. The most recent study published by the Commission shows price differences of over 20% in 22.5% of the models available, and the EBCU claims that life is made as difficult as possible for consumers who wish to buy their vehicles abroad. The excuses put forward by the industry are intensification of competition on the motor vehicle market over the past 10 years (e.g. 50% more brands on the German market), improved customer satisfaction rates, the even greater price differences between European countries in the case of consumer goods not distributed according to an exclusive system, and actual cross-border purchases (between 150 000 and 200 000 vehicles were reexported from Italy last year as a result of the devaluation of the Lira).

In order to reconcile these opposing views, the new provisions will still authorise motor vehicle manufacturers to be exempted from the clauses prohibiting agreements but under conditions more favourable to dealers and consumers:

- the new authorisation period will be 10 years with possible reexamination after five years (this is the only point on which the Commission has not followed the proposal of Karel Van Miert who advocated a seven year period);
- dealers will be able to represent several brands, on condition that they use different showrooms and offices for each;
- dealers may advertise outside their geographical area - but this does not apply to contract goods and telephone or door-step selling;
- agents may obtain spare parts from suppliers other than the manufacturer;
- the sales objectives will be set jointly by the manufacturer and the agent on the basis of previous sales and forecasts;
- practices intended to prevent parallel imports, such as payment by manufacturers of different amounts to agents according to the destination of the vehicle, will be prohibited;
- illegal clauses, prohibiting, for example, parallel imports will be regarded as null and void.

Karel Van Miert justified extending the exclusive distribution scheme for the following reasons: the motor vehicle is an increasingly technologically advanced product and adequate guarantees can be offered to the user only if it is sold and maintained by specialists and, furthermore, the exclusive system makes it easier for the public authorities to supervise the application of the transitional scheme for the importing of Japanese motor vehicles. He did, however, add that it was necessary to amend the scheme to control any abuse observed: unrealistic sales objectives set by manufacturers for dealers, obliging dealers to obtain spare parts exclusively from the manufacturers, obstacles to parallel imports, etc.

Adoption of this proposal by the Commission is the first stage. It will then be submitted to the Advisory Committee of the Member States for opinion, published in the *Official Journal* so that those concerned can make their views known, and then submitted again to the Advisory Committee of the Member States for a second opinion.

¹ Regulation (EEC) No 123/85, which applies until 30 June 1995, allows motor vehicle manufacturers to apply different trading practices in each Member State (particularly where price is concerned) and to supply goods only to agents authorised by them.



The final text will be adopted formally by the Commission and will enter into force in July 1995. Particular attention will be paid to the reactions of the Association of European Car Makers, the European Committee for Motor Trades and Repairs (CECRA) - who represent car dealers and maintenance services - and the EBCU.

Contact:

European Commission
DG IV.4
rue de la Loi 200
C150 01/57
B-1049 Brussels
Tel: +32 2 299 11 11
Fax: +32 2 296 98 00

Cross-Border Payments – Green Light for the Directive!

The findings of the **Commission** survey on the banking sector's progress in the domain of cross-border payments published last September have disappointed all concerned. The background: in December 1993 the Commission drew up performance criteria for the banks: banks were to offer their clients complete, written information in advance, end the practice of double charging and credit the beneficiary's account within a «reasonable» period. However, the survey - covering 352 local branches, 1 000 urgent transfers and over 100 non-urgent transfers - revealed that clients pay on average 25.4 ecu for transferring 100 ecu to another country (2 ecu more than last year), that the average duration of transactions is almost five working days, and that double charging occurs in the case of 36% of urgent transfers! Hence, Community action was deemed essential in the interests of consumers and small firms, since these are the main victims of the system. Two different approaches were mooted: either propose a voluntary code of conduct for the banks (so-called «charter»), which would not be binding, or adopt a Directive. The Commission opted for the second alternative.

Here are the core features of this proposal for a Directive¹. As regards timing, the transfer must be completed within a period agreed between the client and the bank. If there is no such agreement, the maximum period shall be six working days (five for the issuing bank and one for the beneficiary's bank). Double billing is outlawed, which means that

no charges can be levied on the beneficiary unless the originator gives his prior consent. The Directive also specifies transparency rules for transfers. Banks must provide their clients with written information, such as the time required for the transfer, the basis for calculating the charges, or again the availability of redress procedures. After the transfer, clients will be given a transfer identification reference and a statement of all charges incurred by them. Finally, originators of transfers that fail to arrive will be fully reimbursed (including charges). The proposition's outstanding innovation concerns liability rules: a bank which accepts a transaction will be responsible for its proper execution. Together with its proposal for a Directive the Commission has adopted a draft communication on competition rules in regard to cross-border transfers and a communication outlining the state of play.

Contact:

Jean Allix
European Commission
Consumer Policy Service
rue de la Loi 200
J70 5/12
B-1049 Brussels
Tel: +32 2 296 31 79
Fax: +32 2 296 32 79

¹ COM (94) 436.



EHLASS Extended to end-1997

The **Council** has approved the extension to 1997 of Ehlass (the experimental European Home and Leisure Accident Surveillance System). Created by Council Decision of 29 October 1991, Ehlass is a system for the collection of data on home and leisure accidents which are followed by medical treatment. The data are collected from the casualty departments of selected hospitals in the Member States or - in the case of Germany, Spain and Luxembourg - by means of household surveys. The purpose of Ehlass is to promote accident prevention, improve the safety of consumer products and inform and educate consumers so that they make better use of products. CRIOC, the Belgian Consumer Organisations' Research and Information Centre, points out that each year forty million accidents requiring medical treatment occur in the private domain in Europe, not counting road accidents. In Belgium, more than 2 000 people die each year as a result of accidents in the home, just as many as on the road! These accidents are often due to a complex constellation of factors, which can be divided into three groups: behaviour (for example, failure to wear gloves, helmet or protective glasses), environment (poor lighting, presence of flammable substances in the home, etc.), and finally the product itself

(defective product, incomprehensible instructions, etc.). Ehlass, which garners reliable data on the extent, causes, circumstances and consequences of home accidents, distinguishes between these factors in order to promote targeted and hence effective prevention policies. For example some products may have to be redesigned or even withdrawn from the market, better standards may be imposed, and information campaigns on certain products may be organised with specific user groups in mind.

Contact:

European Commission
Consumer Policy Service
Unit 3
rue de la Loi 200
J70 4/1
B-1049 Brussels
Tel: +32 2 295 68 43
Fax: +32 2 296 32 79

CRIOC
rue des Chevaliers 18
B-1050 Brussels
Tel: +32 2 547 06 11
Fax: +32 2 547 06 01

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14 October: World Standards Day

Each year on October 14, **World Standards Day** is celebrated by all member countries of Iso, the International Organisation for Standardisation, and its partners - the International Electrotechnical Commission (IEC), and the International Telecommunications Union (ITU). Its theme this year was: *Standards and the consumers: partners for a better world*. It emphasized the fact that consumers need standards to protect them, and standards need a consumer input to be practical and useful. Indeed, it is the role of Iso's thousands of standards to define product aspects such as dimensions, safety, fit and performance. Iso produces voluntary, consensus-based standards, which feed into the design process at one end of the cycle, and into testing and accreditation processes at the other. Consequently, international standards influence every stage of the production and retail

process that eventually brings goods into homes. It is important to note that standardization affects issues far beyond safety - although that is, understandably, the most obvious to consumers - such as the environment and the economic development of non-industrialised countries. But John Kean, Iso's vice-president for technical management, acknowledges that it is not easy to get the consumer's voice heard in the standards process, which tends to act through national bodies. He cites as an example the difficulty of agreeing on an international standard for hotel rating - crucial to some developing countries that rely on tourism. He adds, however, that Iso's goal is to «get people into the debate, to agree within regions, within countries, and get input from regulatory authorities».

**Contact:**

ISO
Case Postale 56
CH-1211 Genève 20
Tel: +41 22 749 01 11
Fax: +41 22 733 34 30

BEUC is glad to see that standards and the consumer were in the limelight at World Standards Day. Now that safety levels have been effectively established in the form of standards adopted by the European standardization organizations, BEUC urges the European Union to prioritise consumer involvement in the European standardization process. To this end, BEUC calls for an increase in the funds earmarked for consumer representation in the 1995 Budget. Moreover, a new organization, ANEC (European Association for Coordination of Consumer Representation in Standardization), whose task will be to coordinate consumer participation in standardization in the EU and EFTA Member States, will be created in the coming months.

The new organization's priorities will include training of consumer representatives, coordination of research to support consumers in the domain of standardization, as well as work in certain areas in which consumers have not yet become involved, such as information and communications technology. In order to discharge these new responsibilities as effectively as possible, consumer organizations must have sufficient resources. BEUC hopes that the European Parliament and the Budget Council will bear this in mind.

Contact:

BEUC
Bruce Farquhar, Valerie Thompson
avenue de Tervuren 36, box 4
B-1040 Brussels
Tel.: +32 2 735 31 10
Fax: +32 2 735 74 55



Der europäische Markt

beglückwünscht in Deutschland

zum Gewinn einer
LUXUS-NÄHMASCHINE
der Marke "Siegel France"

The European Commission was recently notified, by Verbraucherzentrale Berlin, of an advertising campaign by a British firm which is designed to mislead consumers in Germany. Consumers are told that they have won a luxury sewing-machine that will be theirs for the sum of DM 20 (to be sent to an address in France). In addition, the firm uses - without any right to do so - the European emblem (left). The relevant authorities have been informed, but please bring this to the attention of your members. If you have any other examples of such practices, please inform the Consumer Policy Service. Be vigilant!!

Contact:

CDF Ltd.
No 4 Britania Place
Bathstreet
St Helier, Jersey

First European Consumer Forum

The **First European Consumer Forum** was held on 4 October at the Palais des Congrès (Brussels), at the initiative of Christiane Scrivener, European Commissioner responsible for consumer affairs. The Forum brought together representatives of industry, commerce, the public authorities and consumers. UNICE, Eurocommerce, BEUC, the European Trade Union Confederation, MEPs, members of the ESC, official representatives of the Member States and future member states, university professors and delegates of national consumer advocacy groups were represented. The topics discussed were the Green Papers recently published by the Commission on «Access of Consumers to Justice and the Settlement of Consumer Disputes in the Single Market» and «Guarantees for Consumer Goods and After-sales Services». In her opening address, Christiane Scrivener stressed that European consumer policy had to be based on genuine consultation between all partners attending the Forum. The Forum was an antidote to a confrontational approach which could only lead to paralysis - for example, it had taken 14 years to adopt the Directive on unfair terms! However, the Forum was no substitute for the existing concertation mechanisms - the Consumers' Consultative Council, the Economic and Social Committee and the European Parliament. The rest of the morning was devoted to studying the two Green Papers in two separate working parties.

1. WORKING PARTY ON GUARANTEES AND AFTER-SALES SERVICES

(Chairman: Professor J. Ghestin. Rapporteur: Mrs M. Goyens, Consumer Law Centre, Catholic University of Louvain)

Mario Tenreiro, for the Commission, briefly surveyed the results of the consultation process and described the Community's options in the field of guarantees and after-sales services, viz. a measure in regard to harmonisation of the legal guarantee, a measure concerning the commercial guarantee or a joint measure covering both. He also discussed the alternatives to statutory measures in the form of self-regulation, but added that up to now the consultations had not led to concrete proposals in this domain. He opened the debate to the participants.

Mrs B. Federspiel, Director of Forbrugerradet (Denmark), emphasised the need to allow consumers to make the most of the internal market, notably by making cross-border shopping easier for them. To this end, minimal harmonisation of national legislation relating to the legal guarantee was required, and the principle of joint and several liability of the different parties in the distribution chain should be enshrined at Community level. All commercial guarantees should afford additional protection over and above the legal guarantee.

Mr B. Kriström, Chairman of Orgalime's Legal Commission, emphasised the marginal role of cross-border purchases (3%) and highlighted the predominance of practical problems, notably language and transport, as barriers to such purchases. The legal guarantee was in reality a last-resort solution for consumers, because even if they knew about it, they did not necessarily know just how far it went. This was why the commercial guarantee was a valid alternative in terms of consumer protection, because it clearly indicated the consumer's rights and could easily be invoked. It was absolutely essential to avoid the interference with competition which regulating the commercial guarantee would bring about.

The three presentations were followed by a discussion.

A number of business representatives emphasised the marginal role of cross-border purchases, saying that they only accounted for a small proportion of all purchases in which guarantee problems arose. But several other participants, representing both consumers and the business community, said that a more balanced approach was necessary. There was no need for a sterile debate on cross-border shopping statistics. Indeed the statistics showed that, even at purely national level, guarantees and after-sales services were the domain in which most consumer grievances were concentrated. A BEUC/UFC study commissioned by the European Commission was cited in evidence. This study had identified types of complaints as well as their frequency. Thus there was a need to reinforce consumer protection in this area. The Community could provide a major impetus by promoting a debate and also Community measures under Article 129a of the Treaty.

Many speakers noted that the commercial guarantee - i.e. the manufacturer's or dealer's warranty - was more familiar to consumers than the legal guarantee. The legal guarantee was

less transparent and more complex to trigger than the commercial guarantee and was often a last-resort solution. Nevertheless, numerous participants favoured Community harmonisation of the legal guarantee, provided it was on a minimum basis. Moreover the legal guarantee was the only remedy open to consumers in the event of a breakdown or defect in goods which did not have a commercial guarantee.

As to the substance of possible Community initiatives, several participants said they would like to reinforce the proposals contained in the Green Paper. More products should be covered (not only new durable goods), one should consider extending coverage to services, at least in regard to services linked to products, the principle of joint and several liability throughout the distribution chain had to be enshrined, and the warranty period had to be extended.

Most of the speakers were in favour of Community intervention in regard to the commercial guarantee, provided regulation did not extend to the substance of the guarantee but related to its presentation and was designed to ensure better transparency for the consumer and, consequently, keener competition.

As regards the type of Community intervention in the domain of the commercial guarantee, some professionals preferred a system of self-regulation. This triggered a debate on the efficiency of self-regulation both at Community level (representativeness of the associations involved, remit, difficulties in reaching agreement) and in regard to those Member States in which no tradition of self-regulation existed (mainly in southern Europe).

2. WORKING PARTY ON CONSUMER ACCESS TO JUSTICE

(Chairman: Professor B. Sassani. Rapporteur: Mrs I. Mendes Cabeçadas, Director of the Centro de Arbitragem de Conflitos de Consumo de Cidade de Lisboa)

Marco Gasparinetti, for the Commission, outlined the state of play and the various options for Community initiatives under consideration.

During the subsequent debate there were contributions from 22 people representing all the interests involved (consumers, business, and the legal professions).

The speakers emphasised the urgent need for a Community initiative concerning representative actions (actions brought

by a «qualified body» in the collective interest of consumers). As regards the content of such an initiative, all speakers recognised the importance of actions for an injunction, i.e. actions for an order to desist from illegal commercial practices.

However, the consumer organisations also argued for including class actions for damages, a view which was firmly opposed by the representatives of the business community. Hence, actions for an injunction were the lowest common denominator, and such actions should be possible in all Member States of the European Union (minimum harmonisation).

As regards individual disputes, all participants agreed on the importance of dialogue between the parties, with an eye to arriving at an amicable settlement out of court. However, the consumer organisations and the bar urged that access to the courts be guaranteed whenever dialogue failed.

A consensus emerged on the following objectives: facilitate access to information on the applicable law; provide information on the bodies which could facilitate the search for a solution to the dispute; overcome difficulties in regard to language, distance and the cost arising from the need to conduct a dialogue at a distance.

To realise this objective, the idea of a «European standard form» was aired. Such a form by no means meant standardising national or local solutions - rather, the idea was to make the most of such solutions by allowing «foreign» consumers to access them as well. This standard form would be used as an «access key» to several programmes whose principle could be summarised as follows:

1. the complainant draws up his complaint using this form and invites the addressee to propose a solution;
2. the addressee could either propose (on the back of the form) a compromise agreement or suggest submitting the dispute on to a specialised body (arbitrator, mediator, conciliator);
3. if the addressee did not reply within a given time limit or if there was no agreement as to the proposed solution, the form would function as a simplified summons, as in the United Kingdom (or a «déclaration au greffe» on French lines).

Hence the Commission was invited to follow up the idea of creating a «European» standard form, notably as regards the role of relay organisations, translation costs, and the

possibility of having this form recognised by the courts as a simplified summons.

At the end of the day, in her closing address, Christiane Scrivener presented some of the Commission's plans that reflected the participants' aspirations.

As regards *access to justice*, there was a need to:

- guarantee the freedom to bring actions in the collective interest of consumers throughout the European Union;
- enshrine mutual recognition of the capacity to bring proceedings on the part of organisations representing consumers;
- provide financial aid to promote links between consumers' associations interested in taking legal action in the different Member States;
- promote legal aid and legal assistance in the case of consumer disputes;
- provide more information and training to laws and judges in the domain of Community consumer law;
- promote out-of-court resolution of consumer disputes, notably in the cross-border context;
- provide better information to consumers about their rights. To this end, the number of cross-border information centres would be increased two-fold by 1997 (from 10 to 20). Moreover, a «consumer guide», containing a plethora of useful information on a wide range of consumer topics with a bearing on the Single Market, would be published by year's end.

As regard *guarantees and after-sales services*, a distinction had to be made between the legal and commercial guarantees. As regards legal guarantees, the Commission was preparing a proposal on a «European minimum guarantee» which would lay down a minimum threshold level for the consumer, mainly by establishing a minimum period during which the consumer could rescind the sales contract in the

event of a hidden defect. The Commission would present a proposal for a Directive on this «European minimum guarantee». As regards commercial guarantees (i.e. guarantees offered freely by the seller to his client), Christiane Scrivener said that a Community measure was not appropriate, except perhaps as regards requirements concerning presentation and consumer information. As regards after-sales services (notably spare parts), she invited the professionals concerned to undertake precise commitments, possibly in the form of codes of conduct, and added that the Commission would by early 1995 put forward proposals in this domain, supplementing the Green Paper.

Finally, Christiane Scrivener closed the Forum and thanked the participants. She assured the participants that the Commission would make the most out of the exchange of views.

Contact:

(Guarantees and after-sales services)

Mario-Paulo Tenreiro
 European Commission
 Consumer Policy Service
 rue de la Loi 200
 J70 5/1
 B-1049 Brussels
 Tel: +32 2 295 13 67
 Fax: +32 2 296 32 79

(Access to justice)

Marco Gasparinetti
 European Commission
 Consumer Policy Service
 rue de la Loi 200
 J70 5/10
 B-1049 Brussels
 Tel: +32 2 295 72 58
 Fax: +32 2 296 32 79

Christiane Scrivener Addresses the IOCU Congress

The **International Organisation of Consumers' Unions (IOCU)** held its world congress at Montpellier from 26 to 29 September. This meeting, attended by 500 delegates from 180 consumer associations throughout the world, was devoted to the role of consumers in a world market. The discussion focused on the perspectives following the conclusion of Uruguay Round, fair competition in a world economy, an enduring consumer policy, and the impact of consumer protection on sectoral policies (such as energy, trade mark law, financial services, public health, environment). Christiane Scrivener, Commissioner responsible for consumer protection, was invited to give the closing address. She emphasised the following points:

- it is a principle of the European Union to promote systematic consumer protection in its internal and external policies;
- the European Union supports the world consumer movement in its endeavours to build a world market for consumers;
- consumer associations have good reason to play an active and vigilant role at international level in combating protectionism and in promoting an enduring consumer policy (hence, the GATT agreements should enter into force as soon as possible);
- European consumer associations will enjoy more clout with the enlargement of the European Union;
- the single European market (which is intended not only for producers but also for consumers) can serve as a model for the development of consumer protection at world level. Private cross-border purchases are now tax-free and unlimited, while Community rules now cover product safety, labelling, package tours, consumer credit, unfair terms, and timeshares. Air transport and telecommunications are being deregulated, while consumers are better informed, mainly thanks to the resounding success of the 10 cross-border consumer information centres. Finally, consultation has not been neglected, as can be seen from the organisation of the first European Consumer Forum.

ECAS European Hot-Line on the Internal Market – The Concerns of the Citizen Consumer

In January 1993 the international association **Euro-Citizen Action Service (ECAS)** launched a hot-line to give the man in the street an opportunity to express his observations and grievances concerning the European internal market. The idea is to harvest these testimonials and force the competent authorities to pay more attention to them. The service is equipped to reply to the many requests for information arising in connection with the single market.

The service, initially intended to be temporary, is now open on a continuous basis, although the association's resources preclude any kind of massive all-year publicity campaign. Hence the service focuses on certain particularly sensitive issues. One example is the work done in February 1994, following which a detailed report was sent to the European institutions. Here we reproduce the service's recommendations, which mainly concern the citizen-consumer.

The hot-line, whose main focus is on border controls, has

highlighted the tribulations in crossing the Union's internal frontiers suffered by consumers who, successfully or otherwise, try to benefit directly from price differentials. The main headaches are:

- markets are perceived as having a very national character, notably as regards access to special offers, which are often available only to residents;
- financial transfers are subject to steep commissions and take too long;
- people feel that they have very little information about entitlements and restrictions in regard to the importation of small quantities of goods for personal use, notably fuel and goods subject to excise duties;
- people often confuse the tax-free allowance rules for goods subject to excise duties and the rules governing duty-free goods;

- in certain countries, the legality of high parcel postal charges has been called into question.

However, the European consumer's main concern seems to be motorcars. For reasons which are basically due to taxes, consumers feel that they have been unfairly deprived of the opportunity to benefit from sizeable price differentials. Apart from the importation of new cars, one current preoccupation are the European car registration procedures when changing residence from one country to another. These

procedures are time-consuming and burdensome and often have little connection with their purported primary objective, namely car safety.

The hot-line number (open during office hours) is:
+32 2 534 42 33

For further information on the ECAS European hot-line, please contact: Antoine Fobe, tel: +32 2 534 79 47.

The Economic and Social Committee Delivers its Opinion on the Internal Market

The **Economic and Social Committee**, at its 318th plenary session of 14 September 1994, unanimously adopted an opinion¹ on the *«Annual Report on the Operation of the Single Market»*. The Commission's first annual report on the operation of the single market published in March 1994² thus gave the ESC its first opportunity to comment on the implementation of Community law in regard to the internal market and to pinpoint highlights and failures. As regards the latter, the ESC points out that the report lists 62 major obstacles to the achievement of the single market, of which 32 concern the free movement of goods, 15 the freedom to provide services, 13 the free movement of persons and two the free movement of capital. Some of the points on this list are directly relevant to consumers:

- the inadequate application of the principle of mutual recognition of standards creates technical barriers to trade;
- divergences between consumer protection standards create legal barriers to trade, for example when a manufacturer's declaration is sufficient in northern Europe, while a product certificate is required in the south;
- although the insurance services market was opened up on 1 July 1994, there are divergences of up to 30% in insurance policy taxes in the Member State of origin, which leads to a distortion of competition;
- passengers entitled to cut-price train tickets have to buy these tickets separately in each Member State, which means that they cannot travel without interruptions;
- crossborder purchase of motorcars and crossborder payments are still a major headache.

The ESC concludes its opinion with recommendations, mainly:

- use regulations rather than directives in the case of purely technical provisions;

- prepare a systematic Europe-wide inventory of trade barriers within the Union and the EEA;
- put more effort into harmonising national environmental standards;
- ensure that the definitive VAT system is clear, simple and consistent;
- ensure that persons taking out mortgages or insurance policies in another Member State are subject to the same tax conditions as in their home country.

By the time you receive this issue of **INFO-C**, the Commission will have published its second report on this topic. We will fill you in on developments and have more to say about the ESC's opinion. It will be interesting to identify trends from one report to the next, if indeed there are any...

The Commission's report can be had from:

European Commission
DG XV A.1
rue de la Loi 200
C107 5/32
B-1049 Brussels
Tel: +32 2 295 63 97
Fax: +32 2 296 09 50

The Economic and Social Committee's opinion can be had from:

Economic and Social Committee
Public Relations Division
rue Ravenstein 2
B-1000 Brussels
Tel: +32 2 519 92 13 or 519 92 26
Fax: +32 2 519 98 22

¹ CES 999/94.

² COM(94)55 final.

New Rules on Design Protection will Affect Car Owners

The **European Commission** has proposed to harmonise rules governing the legal protection of industrial design via a Regulation¹ and a Directive².

The rules currently differ greatly across the 12 Member States. For instance, the UK has a completely free market for spare parts, contrasting sharply with France, which uses copyright law to protect car makers from the competition of independent suppliers. The car makers say they should be allowed some sort of protection for parts in order to recoup the costs of investment in design. They also argue that without such protection, the industry will lose jobs and quality will suffer. But the consumer organizations challenge both these arguments strongly, as there is no proof that spare parts made by independent suppliers are of lower quality, and design protection for spare parts would cause numerous job losses in SMEs. In addition, the choice offered to consumers would be reduced, and car prices, as well as insurance premiums, would rise.

The only result of the consumer organizations' intense lobbying activity so far, has been the so-called «repair clause» for spare parts proposed by the Commission. This would give car manufacturers a three year monopoly on spare parts, thereby preventing independent manufacturers from commercialising spare parts during the three years after the

car has been placed on the market. This proposal is an attempt at compromising between the demands of the industry and those of the consumer organizations. But car manufacturers have been lobbying hard to prevent independent manufacturers from commercialising spare parts at all or, in the event that this was not possible, to maintain their monopoly for a minimum of ten years. BEUC, on the other hand, defends the principle of a repair clause from day 1, i.e. without any monopoly period.

The Commission's proposal has now been passed on to the new European Parliament. Industry is redoubling its efforts to delete the «repair clause», while ECOSOC, which is now favouring the clause, and BEUC, are pushing in the other direction.

Contact:

BEUC
 Caroline Kerstiens
 avenue de Tervuren 36, box 4
 B-1040 Brussels
 Tel: +32 2 735 31 10
 Fax: +32 2 735 74 55

¹COM (93) 342.

²COM (93) 344.

EU Duty-Free Warms up for 1999 Battle¹

One of us consumers' favourite sports, i.e. duty- and tax-free shopping, is scheduled to disappear in the EU by 1999, the deadline which has been fixed by an EU directive² for eliminating intra-EU allowances. The reasoning is that duty-free will no longer be justified once the single market is completed. On the other side, duty-free operators and their allies (manufacturers of luxury goods, tobacco, spirits, etc.), argue that duty-free sales would be perfectly justifiable as long as there was no single fiscal jurisdiction in Europe. The Brussels-based **International Duty Free Confederation** (IDFC)³ claims that shipping lines, ferry operators, airlines

and airport authorities would have to increase landing fees and fares substantially if deprived of duty-free revenue and that heavy lay-offs would take place in the industries most concerned by duty-free sales. Noting that its influence may not suffice, the profession is pushing hard for the constitution of a pan-European consumer lobby that would back up the demands of trade and favourable governments for a permanent reprieve, or at least an extension similar to that obtained in 1993. Says Clive Carpenter of Hennessy: «I believe the best way to accomplish this is to inform the public of the numerous negative implications of the abolition of

duty-free. Europeans must back its continuation through a consumer lobbying effort which will put pressure on the politicians.»

Contact:

IDFC
rue du Cornet 22
B-1040 Brussels
Tel: +32 2 230 04 61
Fax: +32 2 230 43 12

European Commission
DG XXI.C.1
rue de la Loi 200
B-1049 Brussels
Tel: +32 2 295 36 05
Fax: +32 2 296 19 31

¹ This is based on an article which appeared in a special edition of *The European*, October 1994, devoted to the subject of duty-free in the EU. It is to be noted however, that although duty free is *often* a good deal, it is not *always* the case, as shown by the following article.

² Directive 91/680 EC, OJ L 396/1 of 16 December 1991.

³ The IDFC represents 13 national associations around Europe, which in turn represent 15 countries: all the EU members except France (but that may change soon), along with Sweden, Norway and Finland. New Zealand and Australia are associate members. Its last campaign saw the EU postpone the scheduled demise of duty-free sales to 1999.

Duty-free Shops: Not Always a Good Deal!

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On 9 September **BEUC** made public a price survey covering all Member States of the European Union and Switzerland and comparing prices of 150 leading products sold in duty-free shops, such as alcohol, tobacco, perfume and cameras. The study takes a look at prices in duty-free shops in the main European airports and on certain ferries, and also compares the duty-free prices with high street prices for the same products.

Prices varied greatly from one duty-free shop to another and between duty-free shops and high-street stores. But the duty-free shops were not always cheaper!

Naturally enough, for heavily taxed products such as tobacco, alcohol and perfume, consumers get a better deal in the duty-free shops. However, cameras and films cost much the same and sometimes are even more expensive in the duty-free shops. For example, one make of camera was 25% more expensive at Amsterdam airport than in town!

As to the differences between duty-free shops themselves, alcohol prices varied by 54%, compact discs by 52%, cigarettes by 35%, cameras by 31% and perfume by 20%. Generally - though not always - duty-free items were

cheapest in the Southern European countries, probably because of the 1992 devaluations. Milan, Athens and Madrid airports (mean indices, 100, 108 and 110) were cheapest for alcohol, while London (154) and Frankfurt (140) were the most expensive. For compact discs, the scale ranged from Dublin, Amsterdam and London (100, 106 and 106) to Milan and Paris (152 and 128). For cigarettes, Madrid, Lisbon and Athens were lowest (100, 101 and 106), while London and Frankfurt were highest (135 and 121). For cameras, Paris (100) was a better deal than Copenhagen and Frankfurt (131 in both cases). Finally, Dublin, Athens and Milan (100, 103 and 105) offered best value for perfumes, while Lisbon was the most costly (120).

For further information, contact:

BEUC
avenue de Tervuren 36, box 4
B-1040 Brussels
Tel: +32 2 735 31 10
Fax: +32 2 735 74 55

When the Interests of Industry Meets Those of Consumers

Yes, it can happen! In the last issue of **INFO-C**, you read an article about the current row between the **TME**¹ (Toy Manufacturers of Europe) and the British government on one side and the rest of the Council of Ministers on the other, over the import quotas imposed on toys made in China by the Council. In order to explain its position on Council Regulations 519/94 and 520/94 adopted on 8 February, TME organised a conference «The Toy Industry in a Global Economy» in Brussels on 20 October. In summary, TME's strongest argument is that not only will those measures not protect jobs in the European toy industry, but they will also affect consumers negatively. TME claims that the employment impact of the manufacture of toys in the orient has long been absorbed by the industry, since toys have been manufactured in that part of the world for the last quarter of a century, and that imposing quotas on Chinese products will not result in plants being transferred back to Europe, as manufacturers are already moving their production to ... other Asian countries! Moreover, a Booz Allen economic study of the European toy industry has shown that substantial new employment has been created in this sector in Europe as a result of Europe's access to low-cost product sources in the Orient, as the jobs created in R&D, marketing and retailing have outnumbered those lost in manufacturing. By contrast, returns from TME members indicate that at least 500 European toy industry jobs have already been lost as a direct consequence of the quota restrictions. TME continues its analysis by stressing that consumers are also losing from the quotas. It has calculated that a 10 percent increase in the price of toys results in a 3.6 percent drop in sales. In France, for instance, 50 percent of toy purchasers buy promotional toys. If the prices rise, those sales will simply be lost.

In the light of all this, the very sensitive question asked by TME is: Why should European consumers bear the burden of quota-related price increases, if they do not even help employment in Europe?

Consequently, TME asks for the following action to be taken by the European authorities: the quotas should be increased by at least 100 percent in 1995 over 1994, the licenses for imports in a given year should be available by October of the year before and their validity should be increased from the present 6 to 12 months, relief should be provided for any manufacturer who had entered into an irrevocable contract for supply with a Chinese manufacturer before the imposition of the quota system and, longer term, the Regulations applying to the toy industry should be annulled - in line with the proceedings which the British government has already started against the Council of Ministers in the European Court of Justice.

Further information from:

Toy Manufacturers of Europe
avenue de Tervuren, 13a
B-1040 Brussels
Tel: +32 2 732 70 40
Fax: +32 2 736 90 68

¹ TME represents the interests of toy manufacturers vis-à-vis the European institutions. It accounts for over three-quarters of all toys and games sold in Europe. Membership is open to all companies with their registered office in Europe whose primary activity is the manufacture and marketing of toys and games, *a significant part of which is manufactured in Europe*. It is precisely the other part which is at stake here.

Monetary Union: Practical Constraints Not to be Forgotten!

A panel of experts headed by **Cees Maas**, also a director of ING, the Dutch financial services company, and on which two consumer experts sit, has presented a number of suggestions to Henning Christophersen, Commissioner responsible for economic and financial affairs, concerning the practical aspects of the switch to a single currency in Europe before the end of the century. In particular, banks should adapt payment systems and get ready to redenominate loans and deposits in ecu, local authorities should adapt parking meters to accept electronic payment, and retailers should alter vending machines and reduce cash handling as much as possible by introducing modern payment techniques, which would undoubtedly make the consumer's life easier. In this respect, certain experiments are being, or will soon be, conducted in different parts of Europe. For example, in certain cities of Denmark, pre-paid cards are being tested, with which people can pay for a whole array of services, such as public parking and the launderette. One advantage of the Danish card is that, unlike the well-known telephone card, it can be used to

pay for an indefinite number of services. One drawback, however, is that it cannot be used to pay in several currencies. But because that quality could prove particularly useful during the transition period when the national currencies will continue to exist alongside the ecu, or later, if not all Member States have joined the monetary union, some banks or banking systems in other countries (e.g NatWest in Great Britain and Banksys in Belgium) are currently working on cards that can carry several currencies. As for the Commission, it has launched a study to find ways to make those cards operational all over the EU.

Contact:

Jean Allix
European Commission
Consumer Policy Service
rue de la Loi 200
J70 5/12
B-1049 Brussels
Tel: +32 2 296 31 79
Fax: +32 2 296 32 79

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Molitor Group: What Implications for Consumers?

The group of independent personalities commissioned to study ways of simplifying legal and administrative aspects of Community law and national law started work at the end of September. Headed by **Bernhard Molitor**, former chief of the Economic Policy Department at the German Economics Ministry, the group's mandate is to examine legislation in force in the Community with a view to singling out obstacles to job creation and competitiveness. The group should come up with proposals to thin out or simplify the law, above all with a view to minimising the burden on small and medium-sized enterprises.

All this is paved with the best intentions and good faith abounds - and yet it is clear that consumers have to

redouble their vigilance, since it would indeed be tempting to sacrifice certain protective legislation on the altar of job creation and competitiveness!

Contact:

European Commission
Secretariat General - Unit B.1
rue de la Loi 200
BREY 7/80
B-1049 Brussels
Tel: +32 2 295 58 54
Fax: +32 2 295 88 69

New Director for Consumers' Association

In January 1995, Sheila McKechnie will become the new director of the British consumer organization **Consumers' Association**, publisher of the 700 000-circulation consumer magazine *Which?*. Her current job is director of Shelter, an organization which offers advice and services to homeless people, in addition to campaigning on topics such as repossession forced on people behind with mortgage repayments. She is full of enthusiasm about her new appointment: «We are all consumers. People are having to make big

financial decisions about their future and their children's future in a context where a lot of people are trying to tell them to do things which are not in their interest», she says.

The Consumers' Association can be contacted at:

2 Marylebone Road
 UK-London NW1 4DF
 Tel: +44 71 486 55 44
 Fax: +44 71 935 16 06

New Chairman of CEG

Bob Gale, the County Trading Standards Officer for Cumbria County Council, is to succeed Ann Daltrop as Chairman of the **Consumers in Europe Group (CEG)** from 24 November.

CEG
 24 Tufton Street
 UK-London SW1P 3RB
 Tel: +44 71 222 26 62
 Fax: +44 71 222 85 86

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Changes at the Top of the Economic and Social Committee

On 19 October 1994, the **Economic and Social Committee** at its opening meeting elected its President and Vice-Presidents, who will hold office for two years. Incoming President is **Carlos Ferrer**, Spain, from the Employers' Group. President of UNICE from 1990 to June 1994, he is also President and Founder of the Spanish Confederation of Employers' Organizations (CEOE), Member of the Board of Directors of the Association for European Monetary Union, Vice-President of the European Movement and President and Founder of Ferrer International S.A., to name but a few of his activities. New Vice-Presidents are **Bent Nielsen**, Denmark, from the

Workers' Group, Secretary of the LO (Landsorganisationen) and member of the ETUC Executive, and **André Laur**, France, from the Various Interests Group, President of the National Federation of the Agricultural Mutual Society, Vice-President of the Aveyron Conseil Général and head of the ESC's Section for Agriculture and Fishing since 1988.

Contact:

Economic and Social Committee
 rue Ravenstein 2
 B-1000 Brussels
 Tel: + 32 2 519 90 11
 Fax: + 32 2 513 48 93

We Beg to Differ

Question: if a 25 km train journey inside Belgium (for example, between Essene and Lombeek) costs BF 110, what is the cost of a journey of the same distance that crosses the Franco-Belgian border (for example, between Tournai and Lille)?

Reply: BF 210, in other words almost double!

A four-point *explanation* from the Belgian railway company SNCB: the differences in ticket prices are noticeable only over short distances; international tickets are more complex and hence costly to issue; there are conventions between certain countries to reduce the price of cross-border jour-

neys (under certain conditions), but not between Belgium and France; finally, international traffic is not the concern of the company as a public service, and this has repercussions on costs.

Commentary: let us pass over the first three points. But the fourth point displays a deplorable logic: at a time when the Member States are supposed to be completing the Single Market, is it not ironic that the railway companies they control no longer consider that traffic between two European countries (in archaic usage «international» traffic) comes within the remit of the public service?

European Young Consumer Competition

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In the *Diary* section of the preceding issue of **INFO-C** we mentioned that the deadline for enrolment in the second European Young Consumer Competition is 16 January 1995. Below we provide further particulars. This year's theme, which dovetails nicely with the school curricula of the Member States, is «*Young consumers and advertising - How to promote a foodstuff through an advertising message*». In each country a national jury will select the best contributions from young people aged between 12 and 14 years. The 20 best entries will receive national awards, and subsequently one team per country will be selected for the finals. These twelve teams will be invited to Brussels in spring 1995 to present their entries before an international jury. Of these entries just three will ultimately be put on stage.

Let us recall that the objective of the competition is to provide young European consumers with the education they need to become discerning and responsible adult consumers.



Contact:

Mireille Leroy
IEIC
79 rue Gantois
F-59000 Lille
Tel: +33 20 21 92 51
Fax: +33 20 54 18 45



BELGIUM • BETTER PROTECTION FOR TENANTS

On 7 October 1994 the *Moniteur* published a decree of 30 June 1994 issued by the Brussels Regional Executive, entitled «*New quality and safety standards for furnished rented accommodation*». The highlights of this law are as follows:

- no part of a room may be more than 30m from an exit;
- stairs must have at least 210cm headroom, regular steps and a rigid handrail;
- each flat must be equipped with a kitchen comprising a cooker with at least two hot plates and a sink;
- each room must have a fixed electric light source;

- individual appliances for the production of hot water must be regularly inspected;
- the electrical installations must be examined by an approved body;
- the collective central heating boiler must be installed in a separate boiler room and all individual or collective heating appliances must be regularly checked.

However, the spokesman of the Tenants' Organization criticised certain aspects of this law, notably the fact that it only covers furnished accommodation and does not specify the remedies available to tenants in the event of infringements.

IRELAND • CHANGE IN THE LABELLING OF DOMESTIC APPLIANCES

From January 1995, two EU Directives¹ will come into effect in Ireland, implying that all new household appliances will have to bear special labels showing how energy efficient they are. Refrigerators will be concerned first, but more products will be added to the list as time goes on. This obligation will replace the voluntary scheme which had been worked out between manufacturers and importers and the Department of Energy. The labels should help consumers make a more informed choice when buying new appliances, as they will indicate the average energy consumption of the particular product. This has encouraged manufacturers to come up with devices which use less energy. Indeed, it has been calculated that if the electricity consumption of one particular refrigerator is reduced by half a unit per day, the difference in electricity bills over 20 years will be £250 at today's prices!

This describes the case of Ireland, but it is to be noted that all Member States are concerned, since implementation of

the Directive is compulsory from 1 January 1995. The Commission, and certainly the consumer organizations as well, will make sure that the job is done.

Contact:

European Commission
DG XVII.C.2
rue de la Loi 200
TERV A00/12
B-1049 Brussels
Tel: +32 2 295 40 87
Fax: +32 2 295 01 50

¹ The framework directive is Council Directive 92/75/EEC of 22 September 1992 on «The indication by labelling and standard product information of the consumption of energy and other resources by household appliances.» (OJ L 297, 16.10.1992, p.16).

The application directive is Commission Directive 94/2/EC of 21 January 1994 «Implementing Council Directive 92/75/EEC with regard to energy labelling of household electric refrigerators, freezers, and their combinations.» (OJ L 45, 17.02.1994, p.1).

**ITALY • EU WILL SUPPORT THE CONCILIATION AND ARBITRATION PROCEDURE SET UP BY TELECOM ITALIA AND CONSUMER ORGANIZATIONS**

The EU will give its support to the Conciliation and Arbitration procedure with ECU 95 880. This procedure for solving complaints has been set up by *Telecom Italia* and consumer organizations¹. The Consumer Policy Service of the European Commission made this decision because the pilot project will ease the access of citizens to justice and promote initiatives between companies and consumers to find extrajudicial solutions to complaints. Furthermore, this procedure will reduce the work of the Courts of Justice, as it will provide consumers with an easy, fast and cheap way of settling disputes. As a matter of fact, the recent EU Green Paper on Access of Consumers to Justice mentioned the conciliation and arbitration procedure as an example to be followed. The EU funds will be used to support activities 60 members of consumer organizations. For the first time in Italy, fees and costs will be refunded in ecu so that Italians get used to the European currency. The conciliation and arbitration procedure for handling complaints involving telephone bills has been successfully tested in two regions, Piemonte and Sicily, since 1991, and is now available throughout the country. It is free of charge and allows the customer to present his complaint (about telephone bills, failure to provide connections, telephone number transfers, errors in the directory, etc) to a Conciliation Commission jointly made up of a representative appointed by the organizations involved in the project and a representative appointed by *Telecom Italia*. The Commission goes through all the stages of technical and administrative verification in order to reevaluate the case. If the subscriber is not satisfied with the result, he can appeal and resort to arbitration - if the value of the dispute does not exceed LIT 3 000 000. The judgement of the arbitrator, jointly selected by *Telecom Italia* and the consumer organizations, is binding. The arbitrator will decide which party will pay for the expenses relating to the procedure, which may in no case exceed LIT 350 000. Between the start of the project and 30 June 1994, the Conciliation Commissions examined more than 2 000 complaints, and in 80% of the cases, a negotiated solution was reached. Together with the activity of the

Commissions, part of the project concerns the organization of training courses for all the members of the Commissions for Conciliation (from *Telecom Italia* and consumer organizations).

The conciliation and arbitration procedure is, at the moment, the most significant step towards an important goal: to enhance the knowledge of, as well as the respect for, consumer issues.

In an ever changing consumer environment, it is becoming increasingly important for companies, as well as consumer organizations, to look at issues from the consumer's perspective to ensure that his needs and views are taken into consideration. In the fast moving Italian scenario, companies and consumer organizations must prepare themselves to play a significant role in reaching their common interests. In this respect *Telecom Italia* is developing different projects: the publication of documents and of a press review on consumer organizations' activities, and the organization of round tables and workshops with other companies focusing on these topics. On 21 October 1994, *Telecom Italia* organized a one-day congress to discuss these issues with representatives from the EU, other large companies such as *Alitalia* (airline), ENEL (electricity) and *Ferrovie dello Stato* (railways), and consumer organizations.

Contact:

Marco Gasparinetti
European Commission
Consumer Protection Service
rue de la Loi 200
J70 5/10
B-1049 Brussels
Tel: +32 2 295 72 58
Fax: +32 2 296 32 79

¹ Unione Nazionale Consumatori, Associazione Consumatori Utenti, Adiconsum, ADOC, ARCO, Assoconsumatori, Assoutenti, Comitato Difesa Consumatori, Federconsumatori, Lega Consumatori ACLI, Legambiente, Movimento Consumatori, Movimento Difesa del Cittadino.

**PORTUGAL • NEWS FROM THE EUROPEAN CONSUMER INFORMATION AGENCY**

The Ave Valley **European Consumer Information Agency** was born on 14 September 1992. It is the brainchild of three bodies – the Portuguese Consumers' Institute, the Association of Municipalities of the Ave Valley and the Novos Pineiros Cooperative. The Agency's address is:

AIEC

Rua Capitão Alfredo Guimarães 1

P-4800 Guimarães

Tel: +351 53 513 700/1/2/3/4/5/6/7

Fax: +351 53 513 709/10

The agency is based in Guimarães and although its primary function is not to provide direct assistance to consumers, it will be doing so in a pilot phase in order to publicise and consolidate its activity.

How the agency works

The consumer's first step is to consult one of the 13 consumer information centres, whose task is to help consumers and to act as mediators in small consumer disputes. These centres consult the agency in more complex cases and in the event of crossborder disputes. Consumers may directly submit their requests for information or voice their grievances by phone or modem, since a bulletin board service is available from 9.00 am to 5.30 pm which anybody with the necessary telecommunications tools can access by dialling +351 53 513 706.

Apart from the local centres throughout Portugal, an agreement has been concluded with the Spanish region of Galicia to promote cooperation between the European consumer information agency and the Portuguese-Galicia consumer information centre at Compostella and Pontevedra - the Spanish counterpart of the Portuguese agency.

Objectives

It is commonplace to emphasise the critical importance of information in all walks of life, a fact that has become increasingly evident since the enlargement of the market to the Twelve.

In assisting intending buyers, the agency's main objective is to provide information on conditions of sale in order to protect the consumer and to preclude disputes.

If however a dispute does arise the agency acts as a mediator and tries to bring about an amicable agreement between the parties.

Since its establishment, the agency has not had to handle many grievances, though all complaints submitted to it have been followed up. On the other hand, numerous requests for information and documentation have been received, mainly from university students and secondary school teachers.

Databases

Currently the agency has two databases available to consumers covering the domains in which it is active.

- Legal database – this database contains 1 350 legislative texts on consumer affairs as well as case law in this domain.

This textbase is regularly updated and so provides consumers with particularly useful information.

- Bibliographical database – this database contains 10 000 references to studies, reviews and/or other publications and is an ideal working tool for researchers, students and teachers.

A consumer disputes database is in an advanced state of preparation. Once installed, it will provide an overview of consumer disputes in each region, so that tailor-made preventive measures can be adopted at any time and consumers warned of potential problems in advance.

Contact:

Jorge Pinheiro de Sousa

Agência Europeia de Informação sobre Consumo

Rua Capitão Alfredo Guimarães 1

P-4800 Guimarães

Tel: +351 52 513 700/5

Fax: +351 53 513 709/10



FRANCE • PROHIBITION OF AN UNFAIR PRACTICE IN THE DOMAIN OF «PARALLEL IMPORTS»¹

The CNPA (France's Motorcar Industry Council) had run an advertising campaign in certain French newspapers claiming that French consumers purchasing a car in France would be given a 1995 vintage as of 1 July 1994, whereas if they bought the same car in Spain or Italy they would get this vintage only as of 1 January 1995. The **Carcassonne Tribunal de Grande Instance** ruled that the purpose of this ad was «openly to disparage» the agents (the parallel importers) «by giving the impression that vehicles purchased abroad ... would lose much of their value in the event of resale in the French market». The agents also challenged the truthfulness

of the CNPA claims, stressing that the 1995 models of the French makes were also on sale in the other Member States as of 1 July 1994 at the latest. The court, pointing out that no European standard specified vintage designations for cars, ruled that the CNPA had exploited this «European legal vacuum» to conduct a comparison likely to mislead the consumer.

¹ *Syndicats Européens des Professionnels de l'Automobile v Conseil National des Professionnels de l'Automobile*, 13 October 1994, ref. 201.

NETHERLANDS • NATIONAL ROADWORTHINESS TEST OBLIGATION IS LEGAL¹

Netherlands law allows car owners to have their cars serviced in another Member State, but stipulates that the vehicles must subsequently be inspected in a Netherlands garage, which alone has the right to issue the Netherlands roadworthiness certificate. Hence, for obvious reasons of convenience, many Netherlands owners forgo having their cars serviced abroad, even if this would cost them less. The Netherlands Court of Appeal referred this issue to the **European Court of Justice** for a preliminary ruling concerning a car owner prosecuted for driving without this vital document.

The Luxembourg Court held that the Netherlands rules fell foul neither of the principle of free movement of goods nor

of the Directive of 29 December 1976 on roadworthiness tests for motor vehicles. Even if the law in the Netherlands discourages drivers from having their cars inspected abroad, the rule might be justified on road safety grounds, these being compelling reasons arising from a general interest. Again, the 1976 Directive does not oblige a Member State to recognise roadworthiness certificates issued in other Member States for vehicles registered in its territory.

¹ *Criminal proceedings against J. Van Schaik*, 5 October 1994, ref. C55/93.

BROADCASTING • THE LAW OF THE TARGET COUNTRY RULES

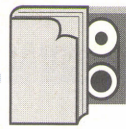
The **European Court of Justice's** ruling of 5 October 1994 on *TV10 v Commissariaat voor de Media*¹ has implications for the European Union as a whole.

The dispute concerned the Luxembourg-based commercial channel TV10, which in the late 1980's was keen to broadcast over the Netherlands cable network. The Netherlands broadcasting authorities opposed the plan, arguing that the company had set up shop in Luxembourg in order to circumvent Netherlands legislation governing national organizations. TV10 then backed down, but filed a suit with the Netherlands Council of State, which in turn referred the case to the European Court of Justice.

In its ruling of 5 October the Court upheld the media's obligation to comply with the legislation of the countries to which they broadcast.

At present Belgium is intimately affected by this judgment, because of a dispute between the Flemish Community and the future commercial channel VT4 established under Luxembourg law, a subsidiary of the US-Scandinavian firm SBS, which wishes to broadcast programmes to Flanders from the United Kingdom. There is a similar dispute between the French Community and TF1, a French channel keen to broadcast Belgian programmes from France with Belgian advertising. The two channels have been charged with intention to infringe the legislation of these two Communities.

¹ Ref. 23/93.



CAP Under Fire

A report entitled *The Common Agricultural Policy* and subtitled «*How to spend £28 billion a year without making anyone happy*» was published in July by the **CEG** (Consumers in Europe Group). The report claims that the CAP and Member States' own agricultural spending now cost an EU family of four £20 a week in tax and higher food bills and, despite the progress made in the recent GATT agreement, many of the worst features of the CAP for consumers remain in place. One example is particularly striking: in 1993, butter was sold on the world market at 22p per 250g pack, but in the EU at 62p! Thus, the CAP particularly affects low-income families, who spend about 35% of their income on food. It makes a healthy diet impossible for people on low incomes, as it has been estimated that families on income support would need to spend between 44 and 59% (depending on the number and ages of the children) of their income on food in order to get a «modest but adequate» diet. CEG also points out that the CAP costs jobs, as the subsidies lead to lost jobs in other, unsubsidised sectors; damages the environment, as high support prices have led to unnecessarily intensive production; and hits developing countries hard. For CEG, all attempts at reforming the CAP are bound to fail as long as the root of its problems, i.e. artificially high support prices are ignored. If that fundamental defect were acknowledged, it would be possible to solve the problems of the CAP by bringing the guaranteed price levels down to a point where the surpluses are no longer created. Only in that case would the European consumer pay the right price. Having made that bleak description and come to the aforementioned conclusion, CEG sets out a 30-point plan for CAP reform, which includes lowering support prices for all products in surplus until EU prices are much closer to world prices, replacing quotas, levies and other indirect attempts to limit production with price reductions, and abolishing the set-aside system which combines an incentive to produce with an incentive not to produce and keeps prices up. Interested readers are invited to order the report for more details.

Copies of the report cost £5 and can be obtained from:

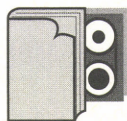
CEG
24 Tufton Street
UK-London SW1P 3RB
Tel: +44 71 222 26 62
Fax: +44 71 222 85 86

With its recently published European Young Consumer Guide entitled *12* (about which we already said a word in the previous issue of **INFO-C**), the **Consumers' Association** of the UK is trying to respond to teenagers' existential problems. In case some of you have no idea (or have forgotten) what those are, they include choosing the best-tasting hamburger, negotiating for more pocket money, coping with bullies at school, quitting eating junk grub, eliminating exam stress, shopping green, and, most important of all, zapping those acne spots that will ruin your Saturday night date as your girlfriend feels more like throwing up than kissing you. But seriously, the articles are excellent, both in terms of contents and tone, and this booklet is recommended reading for all teenagers or adults in contact with that age group. It is published in English and therefore may be a little hard to read for continental readers with just a few years of English as a second language, but then it could be easily used in English classes by cool teachers! So spread the word that it exists and can be obtained from:

Sue Leggate

Editorial Director
Consumers' Association
2 Marylebone Road
UK-London NW1 4DF
Tel: +44 71 486 55 44
Fax: +44 71 935 16 06

INFO-C warmly recommends *Guide du jeu et du jouet 1994* (1994 Toy and Games Guide), authored by the team of Professor André Dehant, head of the Toy and Games Centre at the **Catholic University of Louvain** (Belgium). A total of 500 toys and games were selected and tested. Following assessment based on such criteria as enjoyment afforded, analysis of difficulties, creative value of the toy or game, quality of the relation established with the child, aesthetic aspects and finally the child's own opinion, 295 toys and games were included in the 1994 issue. Broken down by type¹, each toy and game is allocated a critical file. This guide, which promotes the oft-neglected role of play in education, is a godsend for parents, teachers and all those seeking quality toys or games. It provides clear and systematic coverage of the latest educational psychology research



findings and systematically highlights the chief yardstick used in selecting these toys and games - the fun children get out of them! The guide can be had from:

Editions Delperdange
rue Claude de Humyns 17
B-6600 Bastogne
Tel: +32 61 21 63 50
Fax: +32 61 21 63 49

Price: BF 395 (including postage), to be paid into account No 267-0301882-37 (transfer only), made out to the above.

Further information can be had from:

Dominique Hoebeke
Attachée de presse
Service des relations extérieures
Place de l'Université 1
B-1348 Louvain-la-Neuve
Tel: +32 10 47 81 02
Fax: +32 10 47 25 31

¹ Toys for infants, sensory toys, toys designed to promote psychomotor activities, aptitude toys, construction kits and creativity toys, learning toys, puzzles, role games, social games, electronic toys.

NORDIC CONSUMER OMBUDSMAN: ENVIRONMENTALLY ORIENTED CLAIMS IN MARKETING GUIDELINES

Interest in the impact made by products on the environment has increased in recent years. More and more advertisers have begun to use environmental claims in the marketing of their products. This has led to the use of certain claims which are not always genuine or well founded.

The **Nordic Consumer Ombudsmen** believe that there is a need for guidance in the use of environmental claims in marketing. The Nordic environment symbol and Nordic endeavours in the environmental field underline this need. The

Ombudsmen have therefore issued guidelines which are intended to help advise advertisers and advertising agencies in their daily work.

The guidelines are available in English and French from:

Nordisk Ministerråd
Store Strandstræde 18
DK-1255 København K
Tel: +45 33 11 47 11
Fax: +45 33 96 02 02

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CONSUMER SHOW BECOMES BOOK

The BBC consumer campaign show *Watchdog's* 14 years of battling have been condensed in a book entitled: *The Watchdog Guide to Getting a Better Deal* by David Berry (Penguin, £5.99). It is full of information on everything from how to find a reliable plumber to avoiding a fraudulent package holiday, and is structured as follows:

- Get the best value for money
- Find the services you can trust
- Know your consumer rights
- Learn how to complain constructively.

The **Fédération de l'Oise des APF Syndicales** has published a study concerning consumer information on the use of biomass fuels (*L'information des consommateurs sur l'utilisation des biocarburants*), which challenges a number of received ideas.

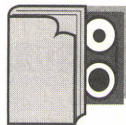
The study shows that all the circles concerned with the production and planned development of biomass fuels approach the subject from the suppliers' angle and exclude the consumer's viewpoint.

The study raises a number of relevant questions:

- biofuels cost 3 to 4 times as much to produce as fossil fuels. State aid is indispensable if their selling price is to be

competitive with that of traditional products (in a scenario in which 5% of fossil fuels used in transport is replaced by biomass fuels, subsidies of the order of 5 billion francs are required). The subsidies should be prominently indicated: what it costs the taxpayer, which producers benefit, etc;

- the macro-economic arguments for biomass fuels have to be put in context: for example, the impact on the country's trade balance is positive only with the colza ester line, being negative for the other lines;
- biofuel quality should satisfy perfectly defined and carefully monitored standards;



- the information provided to the public is often incomplete and partial. One should consider establishing sources of objective information involving consumer organizations.

Here we can only scratch the surface of this extremely detailed and excellently documented study. However, the publication (available in French only) can be obtained by writing to:

APF Syndicale
Fédération de l'Oise
BP 257
F-60332 Liancourt

EC INFORMATION HANDBOOKS:

The **EC Committee of the American Chamber of Commerce in Belgium** has just made available the new 1994/1995 edition of the *EC Information Handbook*. Appearing annually, the *Handbook* is a guide to all of the institutions and bodies active in EC affairs. In addition to providing the most up-to-date information available on contacts in the institutions, it also provides detailed information on the current developments in the drive towards a fully integrated community. Also, in this year of European Parliament elections, subscribers to the *Handbook* will receive the *New European Parliament Update*, giving full details on the structure and political composition of the new Parliament (full listing of new MEPs, with contact details and committee affiliation, etc.). The price is BF 1 900.

Order forms can be obtained from:

The EC Committee of the American Chamber of Commerce
Avenue des Arts 50
B-1040 Brussels
Tel: +32 2 513 68 92
Fax: +32 2 513 79 28

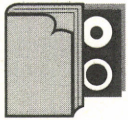
The fourth edition of *The Times Guide to the European Parliament* has just been published, a mere four months after the European elections. This book, edited by *Times* parliamentary correspondent Robert Morgan, introduces us to

the MEPs in the form of biographical entries and photographs. It also scrutinizes the results of the elections in the different Member States and contains commentaries by leading members.

The Times Guide to the European Parliament
Times Books
Harper Collins Publishers
77-85 Fulham Palace Road
UK-London W6 8JB

October 1994, 272 pages, £25

To facilitate access to its documents, the **Commission** has just published *Access to Commission Documents – A User Guide*, available exclusively from the Commission's national delegations. This guide introduces the new policy on access to documents in the form of questions and answers. It shows how to send in requests, what documents are covered, excepted categories, and means of redress in the event of refusal. The Commission points out that on average three out of four requests are approved. The remainder are turned down either because they concern excepted categories, or because the documents in question have already been published, or are not Commission documents, or simply do not exist.



MORE ON COMPARATIVE ADVERTISING

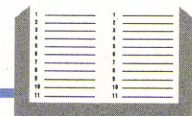
In our last issue, we wrote about the differences between the Member States' advertising laws¹, and about a Commission's proposal to unify the rules governing comparative advertising². In a document entitled *Comparative advertising*³ published in June 1994, **Consumers in Europe Group** (CEG) reacted to the proposal. In general, the position of CEG is clearly in favour of the legalisation of comparative advertising. They consider that it can add to consumer information and choice and that it encourages healthy competition as it helps companies with a smaller market share compete with the leader. Of course, some degree of regulation is necessary to ensure the accuracy and fairness of the comparisons made. That is why the proposed directive provides that the features compared should only be material, relevant, verifiable and fairly chosen. The advertiser must therefore be able to prove any statement made and the ad may not remain silent about other important features. Readers interested in reading CEG's reactions to specific points of the directive should order document CEG 94/17 from:

CEG
24 Tufton Street
UK-London SW1P 3RB
Tel: +44 71 222 26 62
Fax: +44 71 222 85 86

¹ «Advertising in Europe: One Message, Twelve Markets», **INFO-C** 5/1994.

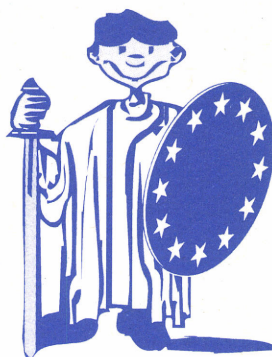
² Amended proposal for a European Parliament and Council Directive (COM(94)151 final) concerning comparative advertising and amending Directive 84/450/EEC concerning misleading advertising. This 1994 proposal only slightly modifies the original 1991 proposal. It is now awaiting the «common position» of the Council and the Parliament.

³ CEG 94/17.



16 January 1995

In the last issue of **INFO-C**, we mentioned in passing the second **European Young Consumer Competition**. The purpose of this competition, which is aimed at groups of young people aged between 12 and 14, is to heighten awareness amongst young consumers and teaching staff in regard to the major consumer issues. Last year the Irish team took the first prize (television set plus video recorder and cables, and a sewing machine, total value 2 500 ecus), the British team came second (video equipment valued at 2 000 ecus), and the third prize went to the German team (camcorder plus video cassettes, and camera plus film, total value 1 500 ecus).



This time the theme is:

Young consumers and advertising:

How to promote a foodstuff through an advertising message

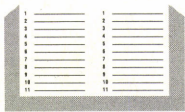
The idea is to encourage young people, who are often the target of advertisers' blandishments, to scrutinise their own behaviour and to motivate them to become more discerning consumers. Candidates should study existing advertising, focusing on its pros and cons, then do preparatory work on diet and nutrition and, on the basis of these two stages, prepare an advertising message or «campaign» designed to promote healthy foodstuffs. Anything goes – slide show, video spot, posters, magazine material, mural painting, provided the entries are targeted at other young people with an eye to influencing their consumer behaviour.

After initial selection at national level, a European jury will award prizes to the best entries. These entries may then be disseminated on a more widespread basis by the Commission.

The competition, which will take place in all the Member States of the European Union, is being organized by the European Interregional Institute for Consumer Affairs (EIICA). Participants should enrol with the EIICA's national contact points (see list of addresses); the final date for enrolment is 16 January 1995.

For further information, contact:

Mireille Leroy
EIICA
rue Gantois 79
F-59000 Lille
Tel: +33 20 21 92 51
Fax: +33 20 54 18 45



National competition contact points 1995

BELGIUM

Jean-Marie Beguin
CRIOC
rue des Chevaliers 18
B-1050 Bruxelles
Tel: +32 2 547 06 11
Fax: +32 2 547 06 01

SPAIN

Andrés Navarro Garrido
Agencia Regional de Consumo
c/General Elorza 35
E-33001 Oviedo
Tel: +34 85 10 65 00
Fax: +34 85 10 65 34

DENMARK

Annelise Bredholt
Forbrugerstyrelsen
Amagerfælledvej 56
DK-2300 København S
Tel: +45 31 57 01 00
Fax: +45 32 96 02 32

FRANCE

Geneviève Traumann
CTRC Languedoc Roussillon
rue Marceau 18
F-34000 Montpellier
Tel: +33 67 92 63 40
Fax: +33 67 92 64 67

GREECE

George Pavlikakis
EKPIZO
43-45 Valtetsiou St
GR-Athens 10681
Tel: +30 1 33 00 673
Fax: +30 1 33 00 591

IRELAND

Celestine Nolan
Office of the Director of Consumer Affairs
Shelbourne House, Shelbourne Road
Ballsbridge
IRL-Dublin 4
Tel: +353 1 661 44 44 (ext. 2938)
Fax: +353 1 660 67 63

ITALY

Marino Melissano
Comitato Difesa Consumatori
Sezione Alto Adige
Via Roma 63
I-39100 Bolzano
Tel: +39 471 28 93 41
Fax: +39 471 93 13 82

LUXEMBOURG

Andrée Colomer
Union Luxembourgeoise des Consommateurs
rue des Bruyères 55
L-1274 Howald
Tel: +352 49 60 221
Fax: +352 49 49 57

NETHERLANDS

Erik Van Rijn Van Alkemade
Consumentenbond
Leeghwaterplein 26
NL-2521 CU Den Haag
Tel: +31 70 38 47 449 - 70 38 47 428
Fax: +31 70 38 41 282

PORTUGAL

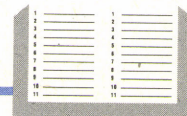
Mario Beja Santos
Instituto do Consumidor
Praça Do Duque de Saldanha 31 3º
P-1000 Lisboa
Tel: +351 1 54 40 25
Fax: +351 1 52 24 10

GERMANY

Theo Wolsing
Verbraucher-Zentrale
Nordrhein-Westfalen
Mintropstraße 27
D-40215 Düsseldorf
Tel: +49 211 38 090 - 156
Fax: +49 211 38 09 172

UNITED KINGDOM

Bruce Collier
Strathclyde Regional Council
Consumer & Trading Standards Department
20 India Street
UK-Glasgow G2 4PF
Tel: +44 41 22 73 105
Fax: +44 41 22 72 293



Amsterdam, 6 and 7 March 1995

ECOSA, the European Consumer Safety Association, and **CSI**, the Consumer Safety Institute, will hold their **Third International Conference on Product Safety Research** on 6 and 7 March 1995 in Amsterdam. The organizing bodies note that, due to the absence of generally accepted standards for a great number of hazardous consumer products and the discrepancies between existing national standards, lots of work still has to be done before all involved consumer products will be covered by a consistent set of safety standards which guarantee a high level of consumer protection. Hence the need for research as a way of speeding up the process of producing standards for the safety of consumer products, and in ensuring that these standards are fully efficient and effective. The conferences hosted by ECOSA and CSI give the scientific community an opportunity to present recent research results and to discuss further research needs with other scientists and with the potential users of the results. The conferences will deal with applied research into the safety of consumer products and projects directly in

support of such research. Research into product safety policy and evaluation studies are also included in the scope of the conferences. The primary target group of the conference consists of researchers in product safety, and representatives of authorities in product safety legislation, industry, standardization bodies and consumer organizations.

For further information about the forthcoming conference (themes, programme, submission of papers, registration, accommodation...); please contact:

ECOSA Secretariat
Marion Bonneveld
PO Box 75 169
NL-1070 AD Amsterdam
Tel: +31 20 511 45 71
Fax: +31 20 511 45 10

