



**European Committee  
of the Regions**

**Commission for  
Natural Resources**

**NAT**

# **Consumer Protection**



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## List of acronyms

<b>ADR</b>	Alternative Dispute Resolution
<b>BEUC</b>	<i>Bureau Européen des Unions de Consommateurs</i>
<b>CCBE</b>	Council of Bars and Law Societies of Europe
<b>COE</b>	Council of Europe
<b>CoR/CdR</b>	European Committee of the Regions/ <i>Comité européen des régions</i>
<b>CPC</b>	Consumer Protection Cooperation
<b>EC</b>	European Commission
<b>EdiMA</b>	European Digital Media Association
<b>EP</b>	European Parliament
<b>ETNO</b>	European Telecommunications Network Operators' Association
<b>EU</b>	European Union
<b>GDPR</b>	General Data Protection Regulation
<b>GSMA</b>	Groupe Speciale Mobile Association
<b>MS</b>	Member States
<b>ODR</b>	Online Dispute Resolution
<b>TFEU</b>	Treaty on the Functioning of the European Union
<b>UEAPME</b>	<i>Union Européenne de l'Artisanat et des Petites et Moyennes Entreprises</i>



# Summary

On 11 April 2018, the European Commission (EC) put forward a number of proposals for modernising and effectively enforcing consumer protection rules as well as for guaranteeing an equal treatment of consumers in the European Single Market. The package of proposed measures, as described in the Communication on ‘A New Deal for Consumers’ (COM(2018) 183), comprises non-legislative actions and two proposals for Directives ((COM (2018) 184) and (COM (2018) 185)).

Consumer protection is a horizontal area, cross-cutting very diverse sectors, impacting both consumers and businesses, and covered, at the EU level, by a high number of Directives. Furthermore, it is handled rather differently across Member States. If at the EU level consumer protection is an area of shared competence between the EU and the Member States, at the national level consumer protection is the exclusive competence of central authorities in some countries, and a shared competence between national and sub-national authorities in other countries. Models for the implementation of consumer protection policy and the enforcement of consumer protection law vary among these countries according to their institutional frameworks, legal systems, and socio-cultural traditions.

First, this study looks into the EC proposal on ‘A New Deal for Consumers’, including through the position papers of representative European stakeholders active in the consumer protection domain (Part 1). Overall, the main changes put forward by the EC package relate to the three aspects of increasing consumer rights, improving the tools for the enforcement of consumer protection, and reducing the burden for businesses. Consumer rights are strengthened in the digital economy and this is considered a modernisation requirement for coping with market developments. In addition, consumers are given more rights in terms of contractual and non-contractual remedies if harmed by unfair commercial practices, and qualified entities/public authorities are given more tools to enforce consumer rights. Among these tools are the provision for collective redress and the strengthening of the sanctioning power of national enforcement authorities for mass harm situations affecting consumers across more countries. The EC proposal looks into other specific aspects such as the dual quality practice for (food) products, the aggressive commercial practices related to off-premises sales, and the reduction of burdens for businesses.

Second, the study investigates how consumer protection is dealt with at the local and regional level (Part 2) and collects examples of practices (Part 3) implemented by European local and regional authorities (LRAs). The review of

the consumer policy implementation models across the EU Member States shows that LRAs have competences or at least a sufficiently defined role in the area of consumer protection in 15 EU countries, namely: Austria, Belgium, Bulgaria, Croatia, Estonia, Germany, Greece, Italy, Lithuania, Poland, Portugal, Slovakia, Spain, Sweden and the UK. In the remaining EU countries, LRAs have limited or no competence in implementing consumer protection policy. On the basis of the findings, a tentative classification of EU Member States is proposed with respect to the level of decentralisation of consumer protection competence. As there is no similar comparative analysis or classification in literature, these results need to be considered exploratory, also because aspects such as the financing by LRAs of third parties (associations/organisations) being delegated or devolved some competences was relatively overlooked.

An online call for good practices implemented by LRAs in the domain of consumer protection was launched on 18 July 2018 with the aim of collecting evidence on the positive role European local and regional authorities have in defending consumer rights. The consultation was made publicly available online at <http://www.goodpractices4consumers.eu> and remained open up to 21 August 2018. The call was promoted among some 500 contacts, including the European Consumer Centres and other representative stakeholders in the consumer protection domain at European, national, regional and local levels. Over the five weeks of the consultation, whose time frame fully overlapped the summer and holiday period, only 13 practices were submitted from stakeholders belonging to 10 EU countries (i.e. Belgium, Croatia, Finland, Greece, Italy, Malta, Poland, Portugal, Slovakia, and UK). Out of these, five were considered to be in line with the scope of the study and sufficiently detailed for presentation in this report. In order to complement the limited information gathered through the consultation, other initiatives implemented by LRAs were identified through desk research. Although most of the presented initiatives may be considered ‘effective’ according to their consolidated nature (e.g. institutions delivering consumer services for decades) or to an increasing satisfaction level of the consumers, factually only a few can be referred to as ‘good practices’. Still, all the practices presented contribute to filling the knowledge gap on what LRAs actually do in terms of implementation of consumer protection policy and/or enforcement of consumer protection law.

Finally, on the basis of the information gathered and analysed throughout the study, an overview of instruments and tools implemented by LRAs to deal with consumer rights protection and consumer policy implementation is outlined in the conclusive part of the report (Part 4). Instruments include: 1) Legislative acts. Regional laws on consumer protection are enacted and enforced by the regional authorities of some EU countries (e.g. Italy and Spain). 2) Statutory support. This is given by LRAs to their departments, offices, boards, or institutes



dealing with consumer protection issues in a variety of ways. 3) Institutional financial support. This may be given by LRAs to third party bodies and organisations which are in charge of consumer protection law enforcement and/or consumer policy implementation. This type of support gives stability to beneficiaries and a medium-term implementation horizon for the execution of their tasks. Among the tools used by LRAs to deal with consumer rights protection and consumer policy implementation are found: 1) physical offices, put at the disposal of citizens for the structured provision of services; 2) Ad-hoc requests for services to associations/organisations; 3) Project-based interventions; 4) Calls for projects; 5) Mechanisms for coordination, participation and implementation at the territorial level; and 6) Programmatic tools such as Action Plans.

It may be concluded that in some countries the regional and local level is ‘the level’ where consumer protection support is actually delivered to citizens. The implications for the concerned LRAs, with respect to the changes proposed by the EC in the New Deal for Consumers, depend on the type of competence of each sub-national public authority. Presumably, one or more of the following may apply:

- review of regional legislation in line with the transposition of the new Directives into national laws;
- identification by LRAs of qualified entities to bring collective actions or application by any LRA – if an independent entity – to become a qualified entity;
- alignment by LRAs to the harmonization efforts, across the EU, put forward by the EC in the proposals (e.g. in the field of fines);
- capacity by LRAs to understand/master new relevant legislation as well as new technologies’ functioning as a consequence of the expected increase in size of the digital market;
- provision of support by LRAs to businesses to adapt to the new requirements in their relationship with customers;
- provision by LRAs of information to consumers on changes introduced by the new legislation;
- handling by LRAs or their specialised agencies of any side-effects caused by the new legislation (e.g. in the food industry and market,

as a consequence of the banning as a misleading practice of dual quality products).

The upcoming New Deal for Consumers also brings about the opportunity for LRAs to strengthen their contribution in the domain of consumer protection, and in particular in the areas of citizens' trust in public institutions, and of consumers' knowledge of key rights. According to the information collected in the latest edition of the Consumer Conditions Scoreboard, both these aspects have been found to be on modest levels in several of the countries classified as 'decentralised' in this study.

# Part 1 The proposed ‘New Deal for Consumers’

## 1.1 Introduction

The European Union (EU) action in the field of consumer protection is framed by the European Consumer Agenda and the Consumer Programme 2014-2020<sup>1</sup>. Consumer protection issues are transversal to several EU policies (e.g. product safety, food safety, food labelling, financial services, tourism and leisure, transport, communications, energy). They are considered to be covered by around 90 EU directives, a circumstance that makes the consumer *acquis* in this area complex, and sometimes inconsistent (EP, 2015).

On 11 April 2018, after a fitness check of consumer legislation and the evaluation of the Consumer Rights Directive 2011/83/EU, the European Commission (EC) put forward a number of proposals for **modernising and effectively enforcing consumer protection rules** as well as for **guaranteeing an equal treatment of consumers** in the European Single Market. The package of proposed measures includes proposals for **legislative changes** and aims at completing the delivery of the ‘New Deal for Consumers’ envisaged by the Juncker Commission. The proposals are currently being discussed at the European Parliament (EP) and at the Council levels, and the related legislative process is expected to be completed within the term of the next elections of the EP, in May 2019.

This study looks into the EC proposal on ‘A New Deal for Consumers’, including through the comments to the proposals expressed by representative European stakeholders (Part 1), and investigates how consumer protection is dealt with at the local and regional level (Part 2). Evidence of implementation of consumer protection policy at the territorial level across the EU is included in Part 3. This evidence is developed by examples gathered through desk research as well as through the launch of an online call for good practices implemented by local and regional authorities (LRAs) in the domain of consumer protection. On the basis of the information gathered and analysed throughout the study, an overview of instruments and tools implemented at the local and regional level to

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<sup>1</sup> Communication COM(2012) 225 final from the Commission on ‘A European Consumer Agenda - Boosting confidence and growth’ of 22 May 2012 and [REGULATION \(EU\) No 254/2014](#) of the European Parliament and of the Council of 26 February 2014 on a multiannual consumer programme for the years 2014-20 and repealing Decision No 1926/2006/EC.

deal with consumer rights protection and consumer policy implementation is outlined in the conclusive part of the report (Part 4).

## 1.2 Main changes proposed by the European Commission

Overall, the package of measures proposed by the EC aims at achieving a fair Single Market for both consumers and traders through a better enforcement of rules, effective tools for redress<sup>2</sup>, and awareness by consumers of their rights. The package comprises non-legislative actions as described in the Communication on ‘A New Deal for Consumers’ (COM(2018) 183) and two proposals for Directives:

- Proposal for a Directive amending four EU consumer directives, namely: the **Unfair Commercial Practices Directive 2005/29/EC**, the **Consumer Rights Directive 2011/83/EU**, the **Unfair Contract Terms Directive 93/13/EEC** and the **Price Indication Directive 98/6/EC** (COM (2018) 185). The proposed Directive is sometimes referred to as ‘Modernisation Directive’.
- Proposal for a Directive on representative actions for the protection of the collective interests of consumers and repealing the **Injunctions Directive 2009/22/EC** (COM (2018) 184).

The main changes put forward by the EC package are summarised below and relate to three main aspects:

- Increasing the rights of consumers.
- Improving the tools for the enforcement of consumers’ rights.
- Reduction of burdens for businesses.

The proposals also refer to other actions to be implemented by the EC and which regard dispute resolution tools, awareness raising, and capacity building.

### ► **Increasing the rights of consumers**

The proposals envisage stronger consumers’ rights with regard to **online sales**, particularly in terms of **transparency**:

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<sup>2</sup> A ‘redress’ is a remedy or compensation which is given to affected individual consumers.

- Online platforms/marketplaces would be required to clearly specify if the seller is a professional trader or a private individual, and if the seller or the marketplace is responsible for ensuring consumer rights. These additional information requirements are proposed to be introduced in Directive 2011/83/EU.
- Online search results are often biased by traders who pay for high rankings in the results. Marketplaces would be required to indicate if traders are paying and the criteria used for the ranking. The proposal is to amend the relevant provisions in Directive 2005/29/EC.
- Some digital services such as cloud storage services, social media or email accounts are not paid for with money but imply the provision of personal data which indeed have a value. These services will extend the right of the consumer to pre-contractual information and to withdraw from a contract within a 14-day period. In this case, the EC proposal is to extend the application of Directive 2011/83/EU to digital services.

Also **the right to individual remedies** for consumers harmed by unfair commercial practices is proposed to be **strengthened and standardised**:

- Consumers would be given contractual and non-contractual remedies if harmed by unfair commercial practices. The proposal states that *‘as a minimum, the contractual remedies should include the right to contract termination’* while the *‘non-contractual remedies should, as a minimum, include the right to compensation for damages’*. These rights are proposed to be added in Directive 2005/29/EC and are meant to standardise the consumers’ level of protection across the EU.

### ► **Improving the tools for the enforcement of consumers’ rights**

On the evidence that existing redress mechanisms are not adequate in situations where a large number of consumers are affected by an illegal commercial practice (the so called ‘mass harm situations’), the EC proposes a collective redress for consumer groups through the amendment of Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests, or ‘Injunctions Directive’<sup>3</sup>.

- The Commission’s proposal is to strengthen private enforcement measures and to **provide for collective redress through qualified**

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<sup>3</sup> An ‘injunction’ is an order by a court in a civil trial.

**entities** designated by Member States against a minimum set of reputational criteria. These entities would seek different types of measures, from stopping the trader's practice to compensatory redress. The new proposal also widens the scope of the Directive to cover consumer interests in economic sectors such as financial services, energy, telecommunications, health and the environment.

With regard to widespread cross-border infringements, the revision of the Consumer Protection Cooperation (CPC) Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws already provides for a more consistent enforcement of EU consumer laws across borders. The Regulation will apply in EU countries starting from January 2020. In the 'New Deal for Consumers' the EC proposes support measures (including capacity building) addressed to national authorities for adapting their legal systems accordingly and for coordinated enforcement actions (e.g. the simultaneous check of websites by more countries or 'sweeps'). In addition:

- The Commission proposes to **strengthen the sanctioning power of national enforcement authorities** and to set financial penalties according to criteria which are common across the EU. For traders simultaneously violating EU law over national borders ('widespread infringements'), the maximum fine is suggested to be at least 4% of **the trader's annual turnover** in each respective Member State. This proposal implies the amendment of the four directives concerned.

Other areas which are proposed to be addressed through reinforcing actions include aggressive commercial practices related to off-premises sales and the 'dual quality practice' which affects consumers across different countries.

- The Commission proposes to amend Directive 2005/29/EC to clarify *'that Member States may adopt provisions to protect the legitimate interests of consumers with regard to particularly aggressive or misleading marketing or selling practices in the context of unsolicited visits by a trader to a consumer's home or with regard to commercial excursions organised by a trader with the aim or effect of promoting or selling products to consumers...'* (EC, 2018c).
- The dual quality practice implies the marketing, by a trader, in different countries of different products but using the same packaging and branding. The Commission proposes to update the Unfair Commercial Practices Directive 2005/29/EC so that **this practice is considered a**

**misleading action** under Article 6 of the Directive to be addressed by competent authorities on a case-by-case basis according to the provisions of the Directive.

In June 2018, the Joint Research Centre released a common testing methodology for food products to be applied across Europe to collect data on the dual quality practice. Testing is ongoing in European laboratories and data are expected to be made available to investigating authorities by the end of 2018 (EC, 2018d).

### ► **Reducing businesses' burden**

The Fitness Check also highlighted a number of areas where the burden for traders is excessive, also in the light of digital developments. Proposals by the Commission to reduce these burdens imply the amendment of Directive 2011/83/EU. In particular:

- Traders would be able to refuse the return of a product within the 14-day right of withdrawal if the product has been used by the customer rather than having merely been tested (Article 14).
- Traders would be allowed to reimburse the product once it has been returned and not in advance (Article 13).
- New communication tools such as chats or web forms between traders and customers would be allowed, provided that these tools allow consumers to keep track of correspondence (Article 6).

## **1.3 Other aspects addressed by the proposals**

### Dispute resolution tools

Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution ensures that EU consumers have access to dispute resolution systems (namely, the Alternative Dispute Resolution – ADR and the Online Dispute Resolution – ODR) to solve domestic and cross-border disputes with traders without going to court. The Commission intends to make the dispute system more effective by encouraging the uptake of these tools by traders and by making these tools easily available and usable by consumers.

### Awareness raising and capacity building

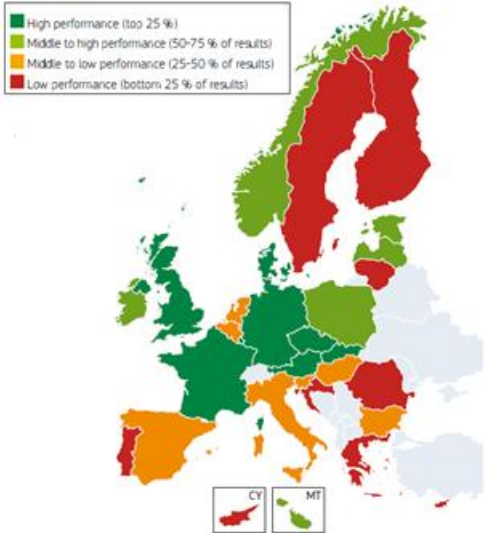
Upon the evidence that there is '*a limited awareness by consumers and traders of their rights and obligations*' (EC, 2018) which is hindering the compliance with EU consumer law, the Commission proposes a series of awareness raising

and capacity building actions. These include (ongoing) country-based dialogues; focussed projects such as the *ConsumerLawReady* project for the training of SMEs in EU consumer law and the *Consumer Classroom* projects for the education of consumers; the capacity building of consumer organisations; placing the Consumer Law database online which will support a comparative analysis of national administrative practices and rules; the facilitation of a self-regulatory initiative by European businesses; and the development of guidance on the application of Directive 93/13/EEC on unfair contract terms in consumer contracts. The need for awareness raising is confirmed by recent information on the knowledge of key consumer rights by both consumers and retailers, according to the latest Consumer Conditions Scoreboard data (Box 1). Knowledge on key consumer rights only appears to be satisfactory for both consumers and retailers in four Member States (i.e. Austria, Denmark, France, and Germany).

**Box 1. 2017 Edition of the Consumer Conditions Scoreboard**

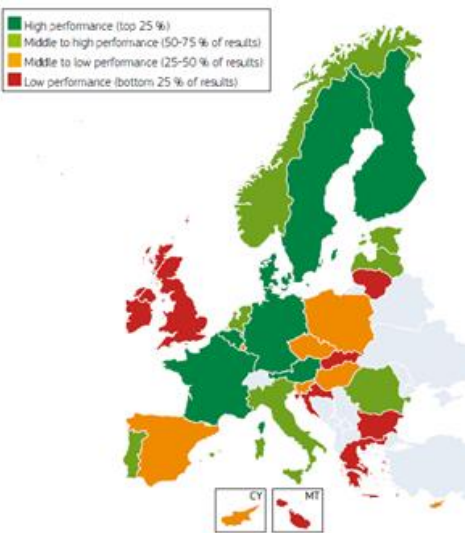
The maps below are from the 2017 Edition of the Consumer Conditions Scoreboard (EC-DG JUST, 2017). They show the 2016 results of a survey on the level of knowledge of three consumer rights by consumers (left) and retailers (right). The three rights respondents were tested on their knowledge related to unsolicited products, faulty product guarantees, and cooling-off periods for distance purchases.

**Consumers’ knowledge of key rights**



High performance = share of consumers giving correct answers > 52%. Low performance = share of consumers giving correct answers < 43%.

**Retailers’ knowledge of key rights**



High performance = share of retailers giving correct answers > 56%. Low performance = share of retailers giving correct answers < 47%.

Source: EC-DG JUST (2017).



## 1.4 The positions of representative stakeholders

This section aims at providing a summary of the positions taken by some EU-level relevant stakeholders representing different viewpoints with regard to consumer protection matters (i.e. the viewpoint of consumers, businesses, and professionals). It is not meant to be exhaustive and only offers an idea of the aspects of the EC proposals which are currently being debated.

According to BEUC, **the European Consumer Organisation**, the evidence provided by the fitness check confirms that EU rules in the area of consumer protection do not represent a burden for businesses. Instead, the main problem is the limited compliance with EU rules by traders.

With regard to the modernisation of EU consumer protection rules, BEUC (2018a; 2018b):

- Opposes the idea of weakening, in the Consumer Rights Directive, the 14-day right of withdrawal from a contract by removing this right if consumers use the goods more than it is necessary to test them.
- Believes that more remedies and more concrete conditions for exercising those remedies should be put forward in the Unfair Commercial Practice Directive and in the Consumer Rights Directive.
- Following the General Data Protection Regulation's approach, proposes to introduce monetary penalties for infringing companies, i.e. expressed in a sum of money, in addition to the penalties expressed as a share of turnover, while amending the Directives on Unfair Commercial Practices, Unfair Contract Terms, Consumer Rights, and Price Indication.
- Proposes under the Consumer Rights Directive to extend the right of withdrawal and the right to information including when consumers provide non-personal data as a form of payment for services. This is because the borderline between personal and non-personal data is ambiguous and non-personal data may become personal using data crossing or algorithms.
- Believes that the question of liability with regard to online marketplaces is not clearly addressed in the proposed directives. In particular, consequences and remedies are not specified if the proposed information requirements under the Consumer Rights Directive and the Unfair Commercial Practice Directive are not met by traders.

With regard to representative actions, BEUC (2018c):

- Is generally very supportive of the proposal and believes that its wide scope, including passenger rights, should remain unchanged.
- Believes that the Directive shall introduce a minimum harmonization across the EU without precluding the existence of better national rules or without forcing Member States which have collective redress systems to change these systems to the disadvantage of consumers.
- Is in strong favour of designating consumer associations as qualified entities to bring collective actions. *‘The national experience in the EU also shows that it is not enough if only public bodies are entitled to bring collective actions, as for various reasons they often do not or cannot act’* (BEUC, 2018c).
- Objects to the possibility of Member States to derogate from collective redress (by means of the issuing of a redress order) when the quantification of individual redress is complex, obliging consumers to act individually on the basis of a *‘declaratory decision regarding the liability of the trader towards the consumers’* (EC, 2018b).

**EuroCommerce**, representing some six million **retail, wholesale, and other trading companies** (EuroCommerce [website](#), accessed on August 2018), argues that the many changes proposed by the Commission are not sufficiently justified by the conclusions of the fitness check and that without a proper impact assessment these changes raise clarity, proportionality and harmonisation issues with respect to existing legislation. EuroCommerce (2018):

- Questions the need for introducing high fines based on companies’ turnover while amending the Directives on Unfair Commercial Practices, Unfair Contract Terms, Consumer Rights, and Price Indication, as the correlation between the size of the fine and the effectiveness of the enforcement system has not been demonstrated. *‘Member States should remain free to determine the most adequate sanctions’* and before establishing new enforcement rules *‘there should be an assessment of the effectiveness of the CPC Regulation. Under the revised CPC Regulation Member States may provide for wide ranging sanctions, including fines. There are also other, far reaching sanctions, which may be more dissuasive than fines. Introducing new measures without a proof that the CPC has not reached its objectives and has not improved overall enforcement is premature’*.

- Supports the proposal to remove the right of withdrawal in the Consumer Rights Directive if consumers use the goods more than it is necessary to test them, but highlights that the provision may create a number of uncertainties for both traders and consumers. Uncertainty relates, for example, to the valuation of the residual value of a returned good by traders, or to the extent the good may be tested by consumers.
- Believes that individual remedies should be set by Member States and that, however, more remedies should be allowed while amending the Unfair Commercial Practice Directive and that the termination of the contract should be considered as the most severe remedy and not the minimum right.
- Regarding the marketing of identical products with different composition, objects that the Directive on Unfair Commercial Practices *‘is already equipped to deal with these issues and the proposed amendment is not necessary. The wording needs clarification, in particular the very broad and unclear scope of marketing activities. Terms like ‘identical’, ‘several Member States’, ‘significantly different’ need to be clarified’*.
- Underlines that transparency requirements related to marketplaces in the Consumer Rights Directive shall safeguard traders from having to reveal commercially sensitive information such as algorithms or similar.
- Objects to the amendment to the Unfair Commercial Practices Directive with regard to aggressive marketing and selling practices as the directive is considered to be already appropriate towards the banning of these practices.

From the point of view of UEAPME, **the European association of craft, small and medium-sized enterprises**, the EC proposals are much too focussed on enforcement and do not significantly simplify consumer legislation. In fact, the complexity of the rules, in the opinion of the UEAPME Secretary General, is *‘the main reason for the unintentional non-compliance’* by traders. Although the association welcomes the measures aimed at the reduction/removal of burdens for businesses, it objects to the possible restrictions to door-to-door selling, arguing that not all these sales can be altogether defined as misleading or unfair; and believes that the proposal on representative actions is unbalanced in favour of consumers, is grounded on scandals which related only to specific sectors/big players, and that it *‘can disproportionately affect SMEs’* (UEAPME, 2018).

The Council of Bars and Law Societies of Europe (CCBE), representing societies across 45 countries and through them **more than 1 million European**

**lawyers**, objects that the proposed Directive on representative actions provides a monopoly to ‘qualified entities’ (Article 4). The objection notes that as these are the only entities who may initiate representative actions, the legal profession is cut out of the procedure. Furthermore, CCBE (2018):

- Argues that ‘*the proposal seems to establish an opt-out instead of an opt-in procedure. As a consequence, parties belonging to a certain class/group automatically take part in the litigation unless they expressively withdraw*’.
- Questions ‘*the possibility that there may not be any qualified entities capable of bringing consumers’ collective redress actions*’ or that existing entities do not take any action. In both cases, consumers would be negated the right of access to justice.
- Outlines that the proposal ‘*does not contain any provisions concerning a potential conflict of interest related to qualified entities*’ and that no procedural safeguards are provided to the defendant who is required to present evidence (Article 13).
- Believes that ‘*The proposed effects of final decisions as mentioned in Article 10 applies unilaterally in favour of the consumers/qualified entities establishing the existence of an infringement. To guarantee procedural equality, the binding effect should also apply to the defendant so that no other action can be brought by another qualified entity based on the same alleged infringement*’.

EDiMA, the **European trade association representing online platforms and other innovative businesses**, is concerned with ‘*the lack of robust procedural guarantees*’ in the proposed Directive on representative actions and believes that such a shortcoming will lead to the misuse of the instrument. Overall, EDiMA’s position would be to focus on the enforcement of existing and upcoming legislation and avoid ‘*additional unnecessary red tape*’ (EDiMA, 2018).

In a joint position paper, ETNO, representing **Europe’s telecommunication network operators**, and GSMA, representing the interests of **mobile operators**, also believe that the effort should be on enforcing existing rules rather than on creating new ones. On the proposed amendments to the Unfair Commercial Practices Directive 2005/29/EC, ETNO & GSMA (2018):

- Object to the proposal to give Member States full flexibility in applying restrictions to door-to-door selling and believe that rather than its misuse,

the sale channel itself will be targeted and is likely to be negatively affected by excessive regulatory interventions.

- Request clarifications on which cases consumer redress shall apply and by means of which mechanism.
- Object to the maximum amount of penalties of at least 4% of the turnover. Such high fines may negatively impact the offering of innovative services, especially if these services generate small revenues but may result in high penalties.

On the proposed amendments to the Consumer Rights Directive 2011/83/EU, ETNO & GSMA (2018):

- Are supportive of the application of consumer protection rules to all business models, including those where data are used as a remuneration form. However, believe that *‘new rights of withdrawal are not required, given that data retrieval and portability rights are sufficiently ensured through the General Data Protection Regulation and the upcoming Digital Content Directive. Consistency with both laws has to be ensured’*.
- Are supportive of the proposed transparency obligations for online intermediaries but require that the proposal be better aligned with the draft Regulation on Online Platforms (EC proposal on promoting fairness and transparency for business users of online intermediation services (COM(2018) 238 final).

Neither the EC proposals nor the opinions on these proposals by major European stakeholders highlight specific implications of this new deal for consumers for sub-national authorities. It is reasonable to assume that such implications will depend on the role LRAs have in the consumer policy implementation model of each country. These models vary across the EU and involve a variable mix of public (i.e. government bodies, government agencies, or public-sponsored agencies) and private entities (e.g. consumer organisations/associations). Countries where LRAs have a role in policy implementation and law enforcement of consumer protection are outlined in the next part of this study.



# Part 2 Implementation of consumer protection policy at local and regional levels

According to Article 4 of the Treaty on the Functioning of the European Union (TFEU), consumer protection is an area of shared competence between the EU and the Member States. At the EU level, directives prevail over regulations in this field, leaving the responsibility of transposing them into national laws to the Member States. At the national level, consumer protection is the exclusive competence of central authorities in several Member States, but there are a number of EU countries where such a competence is shared with authorities at the regional and/or local level. Competences related to the implementation of consumer protection policy and the enforcement of consumer protection law vary in each Member State according to the country's institutional framework, legal system, and socio-cultural traditions. In this part of the study, the aim is to highlight where, across the EU, competences on consumer protection are shared to some extent by the central governments with the sub-national level (i.e. local and/or regional). The overview below is partially based on the [online country profiles](#) provided by the EC on the role of national consumer bodies for each Member State. In several cases, it is complemented by information gathered from in force national legal acts on consumer protection and from national governments' websites. Results of this desk research show that LRAs have competences or at least a sufficiently defined role in the area of consumer protection in 15 EU countries, namely: Austria, Belgium, Bulgaria, Croatia, Estonia, Germany, Greece, Italy, Lithuania, Poland, Portugal, Slovakia, Spain, Sweden and the UK.

## 2.1 Countries where LRAs hold competences in the domain of consumer protection

### ▶▶ Austria

In Austria, legislation on consumer protection refers to various acts and, centrally, consumer protection is a policy which is handled across different ministries. The Federal Ministry of Labour, Social Affairs, Health and Consumer Protection plays a key role. The Ministry is also in charge of liaison and cooperation with Austrian provinces, or Bundesländer, which hold the administrative responsibility of enforcement of several of the laws. In fact, *'According to the federal principle laid down in the Constitution, legislative and executive responsibilities are divided between the federal and the 'Bundesländer'*

level. In many areas concerning consumer protection, the administrative responsibility of enforcement lies with the 'Bundesländer' (Austria 2016 profile online, accessed on July 2018).

## ▶▶ Belgium

Consumer protection in Belgium is a Federal (central) competence but there are exceptions. In particular, the aspect of consumer credit is dealt with at the regional level. Since 1991, Regions and Communities have been given by law the possibility of defining the institutions that are authorised to provide debt mediation services ('Observatoire du Crédit et de l'Endettement' [website](#)). In Brussels-Capital Region these services are, for example, delivered by the Public Centres of Social Action (CPAS) or the communes (Brussels-Capital Region [website](#)). Instead, the Government of the German-speaking Community set up a consumer's information centre, 'Verbraucherschutzzentrale East-Belgium', which delivers debt counselling as well as consumer protection services.

## ▶▶ Bulgaria

In Bulgaria, the Ministry of Economy is responsible for the promotion and defence of consumers' interests, including through policymaking, the drafting of legislation and coordination tasks. Under the Ministry of Economy a central role is played by the Consumer Policy Unit, for the implementation of the policy, and by the Commission for Consumer Protection, for enforcement aspects. The latter commission has Consumer Protection Units within local authorities with the '*competence to enforce the Law on Consumer Protection with regard to the indication of prices, labelling of products, settlement of consumer claims. A significant part of the functions of municipal units is to provide information and advice to consumers*' (Bulgaria 2016 profile online, accessed on July 2018). In addition to the National Ombudsman who may serve consumers in specific issues, according to article 21 of the Local Self-Government and Local Administration Act, local ombudsmen may be elected by municipal councils. These ombudsmen '*enhance compliance with human rights and principles of good governance in the everyday work of the local administrations*' and '*are not institutionally related to the National Ombudsman*' even if joint meetings are organised in order to share good practices, discuss cases and problems, and jointly agree upon cooperation priorities (COE, 2011). According to the Consumer Protection Act amended in 2014, state bodies and the bodies of local self-government and local administration shall also cooperate with consumer associations in their activities related to consumer protection (Article 169).



## ▶▶ Croatia

In the decentralised territorial structure of the country, the first level of local self-governments (i.e. towns and municipalities) has mandatory power in the domain of consumer protection (COE, 2016). According to the latest Consumer Protection Act adopted in 2014, the competent entities for consumer protection are the Croatian Parliament, the Government of the Republic of Croatia, the ministry responsible for consumer protection affairs, the competent inspection entities, business associations, consumer protection associations, units of local self-government and other bodies of public authority, each within their jurisdiction (Article 124). Article 126 details the obligations of the units of local self-government in the domain of consumer protection. These relate to: information and education, organisation of consumer counselling, provision of support to consumer associations, contribution to the implementation of the National Consumer Protection Programme at the local level, including in terms of provision of necessary space/premises (Article 132), and performance of other tasks in accordance with specific regulations. Counselling, information and training of consumers should be partially financed by local budgets (Article 132). Units of local (and regional) self-government are also requested to provide support in addressing consumers' complaints (Article 25).

## ▶▶ Estonia

In Estonia, the Consumer Protection Board is the public enforcement authority under the Ministry of Economic Affairs and Communications which has the main responsibility for consumer policy matters (Estonia 2016 profile online, accessed on August 2018). Its Consumer Disputes Committee resolves disputes independently and impartially in line with the Consumer Protection Act passed in 2015 and other legislation (Eesti.ee [website](#)). Consumer protection at the local government level is defined under Article 20 of the Consumer Protection Act. Such article reads '*(1) Local governments shall organise the provision of advice relating to consumer protection for consumers within their administrative territories. Local governments are required to provide advice and assistance to consumers with regard to issues which are connected with the services organised by the local governments pursuant to law. (2) In order to perform the duties specified in subsection (1) of this section, a local government may form a consumer protection unit, authorise an official to engage in consumer protection or enter into a corresponding contract under public law, in accordance with the Administrative Co-operation Act, with a consumer association specified in subsection 19 (1) of this Act.*' (Riigi Teataja [website](#), unofficial text accessed on August 2018). In addition, local governments may enter into cooperation agreements with the Consumer Protection Board.

## ▶▶ Germany

At the central level, the Federal Ministry of Justice and Consumer Protection primarily deals with the drafting of legislation but since the federal elections of 2017 it has also been responsible for the area of consumer policy. Its functions in this area are the preparation of legislation, the enforcement of rights, the support of dialogue among the various stakeholders, and the promotion of consumers' information and awareness (BMJV, 2018). In Germany, consumer protection is subject to concurrent legislation, meaning that the 16 Länder have the right to adopt concerned laws. The implementation of both national and regional laws as well as most administrative activities fall under the authority of the Länder (COE, 2012). All Länder have Consumer Advice Centres. These are independent non-profit organisations which are publicly funded by the Länder governments and provide consumers with advice and support.

## ▶▶ Greece

In Greece, consumer protection is a shared competence between the state and the local and regional self-governing territorial entities (COE, 2013). The Consumer Protection Act of 1994, modified and amended over time, was finally codified into a single text by Law 4512/2018. Even if '*Consumers' rights and interests are protected by the State*', local authorities may have a role in the funding of consumer organisations, in the settlement of disputes, and in the education and awareness raising of consumers (COE, 2013).

## ▶▶ Italy

At the central level, the Ministry of Economic Development, and more specifically its Directorate General for market, competition, consumer, surveillance and technical norms is responsible for consumer protection affairs. These include, among other aspects, consumer policy, legislation, product safety, information and monitoring activities (Ministry of Economic Development [website](#), accessed on July 2018). Competences on consumer protection are shared with regional governments. In respect of EU and national laws (i.e. the consolidated text of the Consume Code released in 2005 and further amended several times), regional authorities issue their own legislation in this policy area and enforce it. Towards the protection of consumers, Regions usually establish the following structures: regional committees with consultative and proposition power, which are also in charge of assisting consumers in the resolution of disputes; a regional register of consumer associations; and observatories, to monitor prices. Usually Regions also financially support

consumer associations. Coordination between the central and the regional governments is through a State-Regions Conference.

## ▶▶ Lithuania

The Ministry of Justice, at the central level, is responsible for consumer protection policy. Several other national authorities contribute to protecting consumer rights and interests. The State Consumer Rights Protection Authority is the entity in charge of coordinating state institutions' activities on protection of consumers while implementing the state policy on consumer rights protection (State Consumer Rights Protection Authority [website](#)). Local authorities are represented in the Board of this Authority by the Association of Local Authorities in Lithuania (Lithuania 2010 profile online, accessed on July 2018). The association is also invited to have a role in the implementation of the State consumer protection strategy for 2015–2018, approved in 2015 (Government of the Republic of Lithuania, 2015).

## ▶▶ Poland

In Poland, consumer protection and its implementation are under the responsibility of 'The Office of Competition and Consumer Protection' (UOKiK). This is a central agency of state administration whose president reports directly to the Prime Minister. However, implementation is also at the local level through the municipal and district consumer ombudsmen. There are about 370 ombudsmen across the country. They act independently from the central level but cooperate with it, also through their representatives which constitute the National Board of Consumer Ombudsmen, an advisory body to the President of the Office (UOKiK [website](#)).

## ▶▶ Portugal

According to Law No. 24/96 of 31 July 1996, last amended by Law No. 47/2014 of 28 July 2014, '*The State, the Autonomous Regions and the local municipalities are responsible for protecting the consumer, namely with respect to support for the creation and functioning of consumer associations and consumer cooperatives, as well as the execution of the present law*' (Article 1). The same law specifies that regional and local authorities are responsible for training and education as well as information activities of consumers, directly or through the activities of consumer associations. Competences in the area of consumer protection are further conferred to municipalities by Law No. 159/99 of 14 September 1999, in particular under Article 13 and Article 27. These competences, to be executed by the city councils, include: to promote

information actions and defend consumer rights; to establish mechanisms for mediation of consumer disputes; to create and participate in local arbitration systems of consumer conflicts; and to support consumer associations.

## ▶▶ Slovakia

In Slovakia, at the central level consumer protection is under the responsibility of the Ministry of Finance. Still, consumer protection is an ‘original competence’ (i.e. it is not a transferred competence) for municipalities which is managed autonomously (COE, 2010). Article 19 of Act 250/2007 of 9 May 2007 on Consumer Protection and amendments to Act of the Slovak National Council No. 372/1990 Coll. On Offences specifies that ‘*The public administration authorities for consumer protection include: a) the Ministry; b) supervisory authorities; c) municipalities*’ (Act 250/2007). The same Act reads ‘*Each consumer has the right [.....] to submit motions and complaints to supervisory and inspection authorities (hereinafter only the “supervisory authority”)*’ and to the municipality in the event of breach of the consumer’s statutory rights’ (Article 3). Furthermore, municipalities are given specific tasks with regard to the approval of market rules and the control of markets and market places (Article 22).

## ▶▶ Spain

In Spain, consumer protection policy is a shared competence between the State (central level) and the Autonomous Communities (regional governments). Coordination between these two levels is through the Sectorial Conference on Consumption and Consumers Affairs, chaired by the State Minister of Health, Social Affairs and Equality. The Conference defines policies and common strategies while the daily work is carried out through a standing coordination committee chaired by the president of the Spanish Agency for Consumer Affairs, Food Safety and Nutrition (AECOSAN) where the Autonomous Communities are also represented. At the national level, AECOSAN is responsible for the promotion of the consumer protection policy and strategy, the transposition of EU legislation into national law, and the implementation of the decisions of the Sectorial Conference. At the regional level, enforcement competences and market control fall under the authority of the Autonomous Communities (Spain 2016 profile online, accessed on July 2018). Regions have their own legislation in the consumer protection domain. Regions and municipalities also provide funding to regional and local consumer organisations.

## » Sweden

In Sweden, consumer protection is compulsory for the state and discretionary for the municipalities. Centrally, consumer protection is the responsibility of the Swedish Consumer Agency which is headed by the Consumer Ombudsman and whose work and policy objectives are determined by the government. At the local level, most Swedish municipalities provide consumer information and guidance services to their residents. Municipal officers implementing these services are called ‘consumer advisors’. The Swedish Consumer Agency provides training to the municipalities’ consumer advisors and keeps them informed (The Swedish Consumer Agency [website](#)).

## » UK

In Northern Ireland and Scotland, consumer protection is one of the local authorities’ (i.e. councils) direct functions (COE, 2014). Still, in terms of organisations involved in providing advice to consumers and in enforcing consumer law, consumer protection is dealt with locally across the whole UK. The Consumer Rights Act 2015 gives the main responsibility for consumer advice and education to the Citizens Advice services in England and Wales, in Scotland and in Northern Ireland (in the latter, the responsible public body is the Consumer Council for Northern Ireland), and consolidates the leading role Trading Standards have in consumer enforcement and threat assessment (Gov.UK [website](#)). The Citizens Advice services, which are independent charities or non-departmental public bodies, work through their network of local offices that are for the most part funded by local governments (COE, 2014). The Trading Standards are also found at the local and regional level. They are in charge of enforcing consumer law and their departments *‘are a function of local government and are funded by local tax money. Each Local Authority is responsible for its service and decides its priorities and resources’* (COE, 2014). There is the National Trading Standards Board (NTSB) for regional and national enforcement in England and Wales; the Trading Standards in Northern Ireland for local, regional and national enforcement in Northern Ireland; and the Trading Standards Scotland for national enforcement in Scotland.

## 2.2 Outlining main groups according to the level of sub-national competence in consumer protection

On the basis of the information collected above and with respect to the domain of consumer protection, LRAs may have:

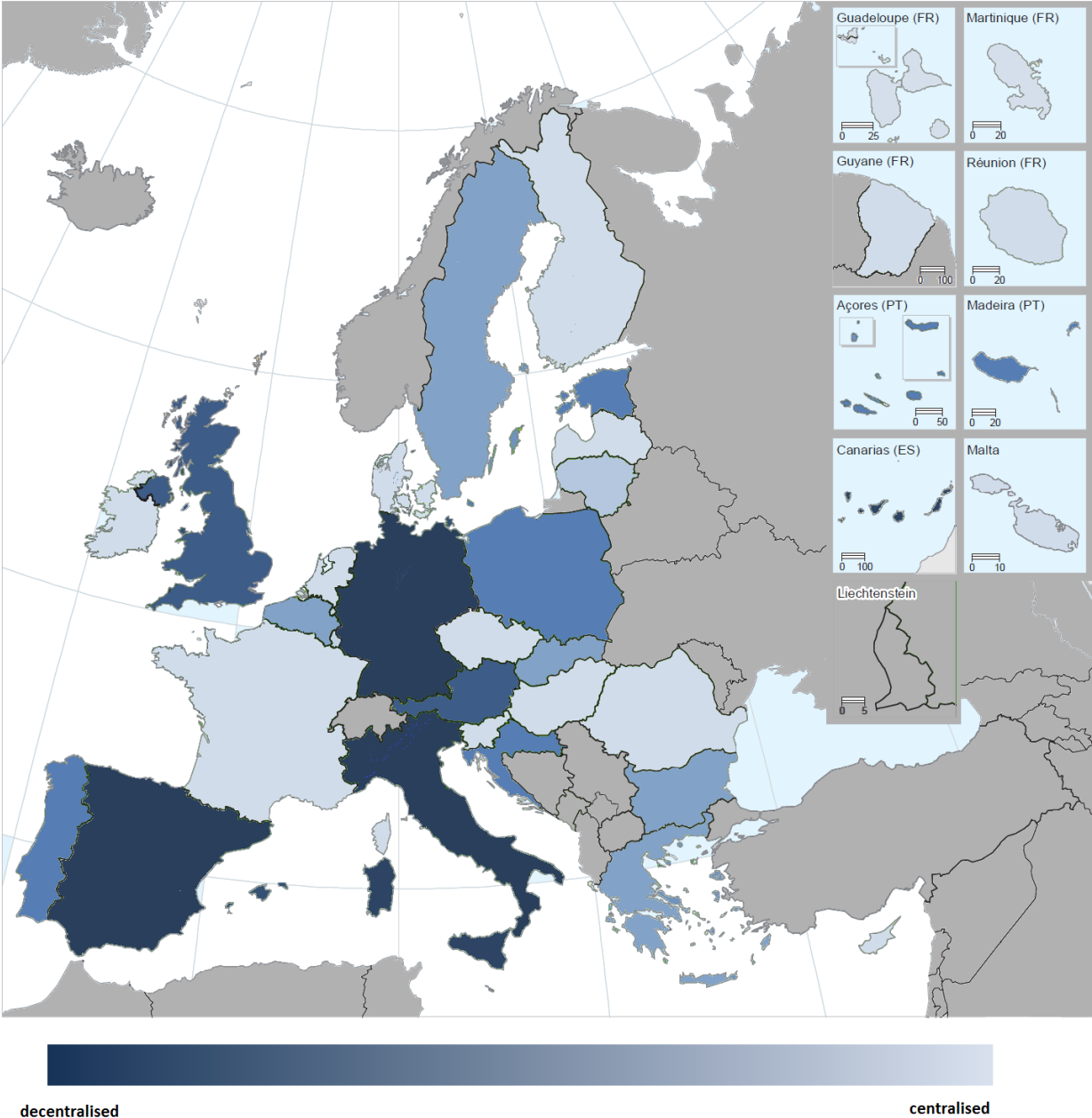
- Shared competence with the central level, including, in a few cases, the right to adopt legislation.  
This situation is found in Germany, Italy, Spain, Austria and the UK.
- Partial competence, or discretionary competence, or a role in enforcement, in several cases limited to some aspects only.  
This situation is found in Portugal, Poland, Estonia, Croatia, Belgium, Bulgaria, Lithuania, Sweden, Greece, and Slovakia.
- Limited or no competence. In this case, even if all competences are at the central level, LRAs may still provide support to the implementation of consumer protection policy in the form of financing of consumer associations/organisations through regional and local budgets.

There is no similar comparative analysis or classification in literature. The above findings are therefore to be considered **exploratory** and subject to revision upon the deepening of the investigation. In particular, the question of the financing by LRAs of third parties (associations/organisations) being delegated or devolved some competences was relatively overlooked as it was considered out of the scope of the work.

Figure 1 visualises the above groups using a coloured gradation from a ‘decentralised’ condition (dark blue) to a ‘centralised’ condition (pale blue).



**Figure 1. Classification of EU countries with respect to competences in the domain of consumer protection**



Source: elaborated by the authors.

Notably, there does not appear to be a correlation between different consumer policy implementation models and the level of trust consumers have in public authorities. This is evident by comparing Figure 1 with the information mapped in Box 2. Decentralised models show high (e.g. UK) or relatively low (e.g. Spain) levels of consumers’ trust in public institutions. Similarly, centralised models show high (e.g. Hungary) or low (e.g. Czech Republic) levels of consumers’ trust in public institutions.

## Box 2. Trust of consumers in public authorities

The map below, extracted from the 2017 Edition of the Consumer Conditions Scoreboard, shows the level of trust in public authorities by consumers according to the results of a 2016 survey.

**Share (%) of consumers who ‘strongly agree’ or ‘agree’ with the statement ‘You trust public authorities to protect your rights as a consumer’**



Source: EC-DG JUST (2017), modified by the authors.



## Part 3 Examples of practices by LRAs in the domain of consumer protection

As reviewed in Part 3 of this study, consumer policy and practice are implemented at the sub-national level in a number of EU countries. However, there is little knowledge about the positive role European local and regional authorities have in this area. With the aim of collecting evidence of good practices by LRAs in the domain of consumer protection, a call for the online submission of these practices was launched on 18 July 2018. The consultation was made publicly available online at <http://www.goodpractices4consumers.eu> and remained open up to 21 August 2018<sup>4</sup>. The call was promoted by means of email notices which were sent to a selected sample of relevant stakeholders (about 500 contacts). These stakeholders included all the European Consumer Centres as well as major European and national/regional/local consumer organisations/associations of the 28 Member States. Apart from being potential depositaries of good practices, these stakeholders were invited to disseminate the call notice as far as possible. Further dissemination was carried out by means of a flyer posted on the web (social networks, websites of the contractors) (Annex II).

The consultation comprised 15 questions aimed at guiding contributions. Most of the questions were based on the selection of multiple choice answers. Some other questions were left open to allow respondents to describe the practice and to provide online references, if available. In order for the practice to be considered ‘good’, respondents were required to provide evidence of the presented initiative’s positive impact. The consultation form is enclosed in Annex III.

Over the five weeks of the consultation, a total of 13 practices were submitted from stakeholders belonging to 10 EU countries (i.e. Belgium, Croatia, Finland, Greece, Italy, Malta, Poland, Portugal, Slovakia, and UK). After a quality check of the proposed practices, only five were considered to be in line with the scope of the study and sufficiently detailed for presentation in this report. In order to complement the limited information gathered through the consultation, other initiatives implemented by LRAs were identified through desk research.

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<sup>4</sup> Because of the holiday season, the consultation was not expected to result in many replies. Still, it had to be conducted anyway since a different time frame for carrying out the study, including the call for good practices, was not deemed possible by the Committee of the Regions.

The evidence collected on the role LRAs have in the consumer protection domain is presented in the next sections, by country. Not all the listed practices are ‘good’ but in any case they are deemed to be relevant towards the scope of this study as they contribute to filling a knowledge gap on the role LRAs have in implementing consumer protection policy and/or in enforcing consumer protection law. The practices presented are in no way deemed to be exhaustive and only offer an idea of the important role LRAs have in some EU countries.

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## 3.1 Austria

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### ► Wien: municipal food inspection and market control

Wien is the largest province of Austria. Its Municipal Department 59 - Food Inspection and Market Authority is in charge of ensuring compliance with the following consumer protection laws:

- Food and Consumer Protection Law, on inspection of businesses and taking of samples for bacteriological and chemical tests.
- Price Marking Law, requiring the prices of goods and services to be made clearly visible to consumers.
- Measurement and Gauge Law, on the calibration of measurement devices and the right of consumers to see the device while the product is being weighed.
- Trade Register Act, to fight illegal businesses.
- Law on Categories of Quality, on food and quality labelling.
- Product Safety Law, on potential health hazards of goods of everyday life.

The Food Inspection Authority of the Vienna Market Authority is a member of the European Working Community for Food Inspection and Consumer Protection (EWFC). Inspections follow EU rules, inspection standards are regularly checked by specialised EU agencies, and inspectors are regularly trained.

*Source:* City of Vienna [website](#).

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## 3.2 Belgium

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### ► German-speaking Community Government: Consumer Advice Centre

Verbraucherschutzzentrale VoG (VSZ) is a non-profit association mainly financed by the Government of the German Speaking Community of Belgium. Since 1992, VSZ gives advice, acts as mediator and informs consumers on a variety of topics, including rent law, and provides training to students in the area of sustainable consumption. In fact, its activities focus on three main areas: consumer rights and protection, including representing the interests of consumers with respect to authorities and businesses; debt counselling (since 2004), with a view to prevent and fight over-indebtedness of households; and (since 2005) sustainable development and consumption. Because of public funding, all services provided by VSZ are free of charge. In 2017, 7% of the Community's population used its advice services, while 26% used the information made available on its website. The work of VSZ is believed to have a social impact on the cohesion of the German speaking Community of Belgium as it is easily accessible to all citizens (any citizen of the Community simply needs to go to the VSZ's office with relevant documents and an adviser analyses the legal position and makes contact on the citizen's behalf with the company, supplier or mediator) and deals with daily matters such as the relationship between renters and homeowners. Through its focus on sustainable consumption, it is also believed to promote local economy and fair trade and to contribute in this way to regional economic development. Furthermore, the Verbraucherschutzzentrale VoG is regularly requested by the Ministry from the German Speaking Community as adviser and representative of the consumers in different kinds of consultative organs (e.g. Advisory Health Council, Advisory Council on Radio and Television, Steering Committee of regional labelling).

*Sources:* Verbraucherschutzzentrale [website](#); German-speaking Community Government's [website](#); contribution to the online call 'GoodPractices4Consumers'.

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## 3.3 Bulgaria

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### ► Municipal Ombudsman in Sofia

The Municipality Ombudsman institution was established by Sofia's Municipal Council in 2001. The institution serves the rights and legal interests of all citizens with respect to the complaints made against the local government. The election of a local ombudsman is not compulsory and, rather, it is a voluntary act

intended to increase public trust in the local government. Local ombudsmen are financed through municipal budgets but are nevertheless required to be impartial and ‘*independent, operating pursuant to the Bulgarian Constitution, the Bulgarian legislation and the ratified international treaties, guided by the following principles: rule of law, independence, justice, transparency, humanity and tolerance*’. In the case of the Sofia Ombudsman, its ‘*rights and powers are regulated by the Rules on the Organization and Activities of the Public Ombudsman in the Sofia Municipality, adopted by the Sofia Municipal Council*’.

Source: Municipality of Sofia [website](#).

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## 3.4 Germany

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### ► Institutional support to the regional Consumer Advice Centres

German consumer advice centres are associations or foundations offering advice and legal support to consumers. The core financing for these centres is usually sourced from public funds. For example, the Consumer Advice Centre in **Nordrhein-Westfalen** (NRW Consumer Center), with a budget of about EUR 47 million for 2017, has among its main sources the Länder (about 30% of its total budget) and cities’ and districts’ funds (26%). Since stable and secure financing is an important requirement for the continuity of the services, in 2015, the NRW Consumer Center finalised a collaboration agreement with the government of NRW. The agreement covers the period 2016-2020 and provides for an annual funding of EUR 14 million. In total, EUR 71 million will be made available by the state government for the work of the NRW Consumer Center. This secures the financing of the 61 local counselling centers. In addition, the agreement also included the outline of common priorities such as consumer rights in the digital world, food waste, energy efficiency and sustainable consumption.

The Consumer Advice Centre in **Lower Saxony** was opened in 1957 and currently provides advice and services to some 1.2 million consumers annually. In its latest annual report it indicates an institutional contribution of almost EUR 2 million from the Länder and local authorities, representing about 40% of its 2017 budget. Another important source of funding of the centre is through projects, several of which are still financed by regional Ministries, or from the central government. In 2017, the Centre provided advice and counselling services in the following areas: consumer law (34%), insurance (10%, out of which almost half of the support related to health and nursing care insurance),

internet and telephone (23%), finance and pensions (15%), energy and housing (17%), and food (1%).

*Sources:* NRW Consumer Center [website](#); Verbraucherzentrale Niedersachsen [website](#).

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## 3.5 Greece

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### ► Consumer Protection Office at Agios Dimitrios Municipality

During the biennium 2014-2015, the Municipality of Agios Dimitrios in the Attiki region decided to offer to its citizens a free local counselling service for problems related to purchased goods and services. This was done in cooperation with the Consumers' Association 'The Quality of Life' (EKPIZO), a non-governmental and non-profit organisation funded in 1988 with the aim of protecting consumers' rights and improving people's quality of life. In practice, the Municipality sponsored the daily presence of an EKPIZO lawyer in the municipality's premises (4 hours a day) who specialised in Consumer Law. This service lasted for two years and could not be prolonged further because of the municipality's financial constraints. The Municipality used its own resources and spent an amount in the range of 20,000-50,000 EUR. The sponsored consumer protection office supported 471 individuals over the 2-year period, the majority of which (80%) had problems related to debts with banks and the public sector. The willingness of the municipality to invest some money and to cooperate with qualified non-governmental organisations allowed its citizens to benefit from free and conveniently close services and to avoid wasting time and money in contacting central authorities or even the EKPIZO office in Athens.

*Source:* contribution to the online call 'GoodPractices4Consumers' by Ms Eleni Alevritou, EKPIZO President, who authorised her identity to be disclosed in derogation to the call's Privacy Statement; EKPIZO's [website](#).

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## 3.6 Italy

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### ► Emilia-Romagna: Regional Committee of Consumers and Users

In March 2018, the Regional Authority of Emilia Romagna announced the set-up of a Regional Committee of Consumers and Users. The Committee is intended as an instrument aimed at guaranteeing the information, safety and protection of consumers. The representatives of 15 associations registered in the

regional register sit on the Committee, whose presidency is held by the Regional Authority. The new entity will exercise advisory and propositive functions on legislative acts and rules affecting consumers. It will also have a role in solving litigations between consumers and businesses and/or in facilitating the use of conciliation instruments, and will monitor the trend of prices, tariffs and taxes within the region. This instrument is considered helpful in structuring the intervention of consumers' associations whose central role was legitimated by Regional Law n. 4/2017.

*Source:* Regione Emilia-Romagna [website](#).

### ► Piemonte and Valle d'Aosta: consumers' education through the interregional project 'A good opportunity'

Promoted by the Regional Authorities of Piemonte and Valle d'Aosta, the project 'Una Buona Occasione' (A Good Opportunity) aims at educating consumers in order to reduce food waste through prevention. The project started in 2014 and is ongoing. It is financed by national funds and so far has had a cost comprised between EUR 100,000 – 200,000. Partners include the University of Torino, food-related entities (Last Minute Market and Slow Food), cultural entities ('CinemAmbiente' and 'Museo A come Ambiente'), the 'Istituto Zooprofilattico Sperimentale del Piemonte, Liguria e Valle d'Aosta' (a public body dealing with consumer health, animal health, food and feed quality), food retailers, and consumer associations. The project disseminates among consumers the culture of prevention of food waste through the following activities: awareness raising, information sharing (e.g. the UNEP guide on 'Prevention and reduction of food and drink waste in businesses and households), and dissemination of good practices and news using a variety of tools (e.g. social media, videos and an application – UBO-app – which is helping reducing food waste at home) and through the collaboration of the municipalities of the two regions as well as of food retailers. The project's activities are addressed to all citizens with a focus on pupils and students in schools and universities. So far 31 public events involving 8,000 citizens and 330 events in schools/universities involving 50,000 students have been organised. Furthermore, the UBO-app recorded over 20,000 downloads.

*Sources:* contribution to the online call 'GoodPractices4Consumers'; 'Una Buona Occasione' project [website](#).



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## 3.7 Poland

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### ► Municipal and district consumer ombudsmen

In early 2018, the Office of Competition and Consumer Protection (UOKiK) provided an overview of the work carried out throughout the country by municipal and district consumer ombudsmen during 2016. Throughout the year, these institutions received 494,878 requests for advice, issued 67,701 notifications on behalf of consumers, and filed or prepared 4,027 statements of claim. Some 45% of the cases related to the sale of goods, 42% to service supply (e.g. utilities), and the remaining 13% to the sale of goods through distance/off-premises contracts. Numbers provide the evidence that the demand for the services offered by local consumer ombudsmen is on a regular rise. Cases dealt with by ombudsmen in 2016 were much higher (+17%) than those addressed in 2011 (in particular, cases related to distance/off-premises sales doubled over the period 2011-2016). The most frequent complaints related to the direct sale of goods regarded the attitude of the traders/vendors (e.g. refusal to accept complaints, lack of reaction to complaints). On distance/off-premises sales, the most frequent complaints were regarding unclear terms and conditions of contracts, difficulties in returning goods and misleading information given on the quality of products for sale. Finally, on the supply of services, the majority of the complaints regarded aggressive sale behaviours. In its analysis of the work of ombudsmen, the UOKiK found that the workload of local ombudsmen was uneven across the country and not proportional to the number of citizens of their catchment areas. Consequently, it sent a letter to all district authorities (local governments) asking them to provide sufficient and standard support and assistance to ombudsmen in the performance of their work.

*Source:* UOKiK [press release](#) ‘A busy year for consumer ombudsmen’ dated 07.02.2018.

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## 3.8 Portugal

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### ► Municipal consumer information and support services

In response to the competences attributed by law to local authorities in the area of consumer protection, examples of Portuguese municipalities offering support and information services to consumers are common.

In the **City of Alenquer** (Region Centro), the City Council set up a municipal service (‘Serviço Municipal de Informação ao Consumidor’) for consumers whose functions include:

- information, clarification and guidance for consumers on issues related to consumer rights and their exercise;
- receipt and record of consumer complaints;
- extrajudicial mediation of consumer disputes;
- undertaking procedures for complaints not resolved through mediation for referral to conflict arbitration systems;
- promotion and support of socio-educational activities in the area of consumer protection, in liaison with the teaching and school entities;
- provision of information to those economic operators who request it;
- referral to the relevant entities for issues that go beyond its scope of action;
- reporting to the competent authorities those situations where it may be necessary to withdraw goods and services from the market which could endanger the safety of consumers;
- organisation of information activities addressed to consumers;
- support for the organisation of consumer associations.

Similar support and information services (‘Serviço de Informação e Apoio ao Consumidor’) have been provided since 1996 to consumers by the **Municipality of Palmela**, in the Lisbon metropolitan area. In particular, the following services, funded through the local budget, are provided for free:

- information to citizens on consumer protection issues;
- extrajudicial mediation of consumer disputes between consumers and economic agents;
- handling of consumer suggestions and complaints and forwarding them to competent authorities as needed;
- promotion and support of socio-educational actions in the area of consumer protection, including in conjunction with the educational community;
- promotion and support of consumer education.

The **City of Porto** (Norte Region) runs the Municipal Consumer Support Service (SMAC, *Serviço Municipal de Apoio ao Consumidor*) according to Operating Standards defined in 2007. The support is provided for free and relies on the input of qualified staff as well as on the cooperation with the city’s consumer information and arbitration center (CICAP, *Centro de Informação de Consumo e Arbitragem do Porto*). Municipal support envisages:

- personalised assistance;
- complaints assessment;
- mediation between parties to resolve conflicts;



- referral to competent authorities, in particular CICAP, whenever the mediation fails;
- establishment of a legal and regulatory archive for open consultation;
- collaboration with consumer protection associations and organisations alongside other relevant competent bodies;
- promotion of consumer rights awareness, also through partnerships with other bodies.
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*Source:* Câmara Municipal de Alenquer [website](#); Câmara Municipal de Palmela [website](#); contribution to the online call ‘GoodPractices4Consumers’; City of Porto [website](#); Operating Standards of Porto SMAC [website](#).

## 3.9 Spain

### ► Barcelona’s consumer activities and services

As part of a comprehensive local consumption policy, the Barcelona City Council runs a series of activities and services addressed to consumers. Among the activities is the provision of financial support to entities through a call for projects; and the opening of a ‘Space for responsible consumption’, intended to become the city’s reference point for both the promotion of responsible consumption and the provision of services to consumers. Among the services are: the Municipal Consumer Information Office; and the Consumer Arbitration Board of Barcelona. The Municipal Consumer Information Office is a free support service provided by the Barcelona City Council to consumers, businesses and any other type of user. It implements the following functions: provision of information and advice on consumer affairs; processing of complaints for city’s residents or against entities located in the city; mediation and application of the Consumer Code of Catalonia (Law 22/2010 of 20 July); training campaigns and initiatives; information and dissemination of news on legal updates; information to and cooperation with businesses to prevent problems from arising. In 2017, the Office dealt with 20,082 enquires and 6,509 complaints. Out of these complaints, 67% were concluded in favour of consumers and 22% in favour of businesses (the remaining complaints are still pending). The Office directly managed 72% of the complaints, while referring 17% of the complaints to the Consumer Arbitration Board of Barcelona. This is a specialized body of the municipality which administers the Consumer Arbitration System in the territorial area of the municipality. In practice, it acts as an alternative justice tool operating independently and objectively through investigation and resolution of the claims which are referred to it. Its action is

subject to the regulatory laws of consumer defence and arbitration and the service is free for both the parties involved in the litigation.

*Sources:* Municipal Consumer Information Office [website](#); Ajuntament de Barcelona (2017), [MEMÒRIA 2017](#).

### ► **Gobierno Vasco: Kontsumobide-Instituto Vasco de Consumo**

Kontsumobide-Basque Institute of Consumer Affairs is an autonomous body, attached to the Department of Tourism, Commerce and Consumption of the Basque Government, whose objectives are to define, plan, promote and execute government policies regarding the defence and protection of consumers and users. The Institute was established by Law 9/2007 of 29 June 2007 and began its activities on 1 September 2011, further to the approval of Decree 159/2011 of 12 July 2011 which regulates its structure and organisation. Among the services offered are: information, education, and processing of complaints. The latter is primarily addressed through mediation. If during the mediation process, the concerned business is found to be in breach of law, the Institute may adopt sanctions. If mediation is not successful and the concerned business adheres to the arbitration system, an arbitration service is offered by the Institute. Acknowledging that consumption behaviours and models are changing (e.g. as a consequence of technological development, population ageing, internationalisation), Kontsumobide updated and extended its strategic plan to the 2020 horizon. The new Strategic Plan 2018-2020 has been allocated over EUR 19 million for implementation and is based on the following principles: must get consensus and support by all concerned parties in order to be successful; is action- and result-oriented and not a merely declaration of good intentions; must be innovative in the services and process offered, also with a view to contribute to the modernisation of the public sector; must be based on flexible and agile administration in order to cope with rapid societal changes; and must incorporate instruments allowing regular evaluation of results against objectives. The legal basis of the activities of Kontsumobide is given by regional Law 6/2003 of 22 December 2003 on the ‘Estatuto de las Personas Consumidoras y Usuarías’ (statute of consumers and users) further amended in the two specific areas of sanctioning and linguistic rights. Within the region, the Institute coordinates with local authorities by means of the Municipal Consumer Information Offices or directly with those councils that lack them.

*Source:* Kontsumobide [website](#); Kontsumobide-Gobierno Vasco (2017), [PLAN ESTRATÉGICO 2018-2020: nuevos retos, nuevas respuestas](#).

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## 3.10 Sweden

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### ► Malung-Sälen: Consumer Guidance & Budget and Debt Advice

The municipality of Malung-Sälen has about 10,000 inhabitants and is located in a low densely populated area in Dalarna County, North Sweden. The municipality is an example of local authority providing free assistance to consumers (and entrepreneurs) including in the areas of budgeting and debt. This is done through the work of a Consumer Guidance & Budget and Debt Advice office. The office lists among its duties:

- Prevention and information, through guidance on rights and obligations, given individually or in groups (e.g. in schools, for students and teachers; to organisations and public associations, for example with regard to personal finance management).
- After-sales consulting, through assistance on problems related to contract law and consumer law; mediation among parties; and/or in dealing with the General Complaints Board or the District Court.
- Budget and debt counselling, through the understanding of the economic situation of the individual asking for advice; the development of a debt settlement strategy; and/or general counselling on savings and pension.

On its website, the municipality links to the ‘Hallå konsument’ service, a platform where all governance levels (from central to local) cooperate and coordinate for the benefits of consumers (see next example).

Source: Malung-Sälens kommun [website](#).

### ► Municipalities under the umbrella service ‘Hello consumer’

The ‘Hallå konsument’ service is centrally provided by the Swedish Consumer Agency but represents an example of cooperation among organisations and stakeholders dealing with consumer protection issues at all levels, including locally. Municipal consumer guidance organisations across Sweden are in fact partners to the initiative. The initiative’s goal is to simplify the life of consumers and users by providing one single access point of support to consumers nationwide. The service is delivered in Swedish and English and provides: answers to consumers’ questions on buying goods and services, complaints, and on consumer protection legislation; guidance before buying goods or services; guidance for making sustainable and environmentally friendly consumption

choices; and information on the type of agency, governmental department or municipality to be contacted for receiving the most appropriate assistance. The service has been designed to achieve the maximum accessibility, including by people with disabilities. It is considered to be more comprehensive with respect to other similar services existing in other countries and is driven by the desire to provide a better service to citizens rather than by cost savings criteria. Launched in 2015, one year later the service was known by 16% of consumers in Sweden. *‘According to user research, the users are quite satisfied with the service. About 80% are very satisfied with their contact and about 85% have thought that the service has been impartial and easy to understand. About 80% feel that the information has been relevant and that answers provided are timely. The website has also received a positive evaluation, with 80% of users feeling that the information is impartial and easily understandable and two thirds feeling that the information has been adapted to their needs’* (One Planet Network’s practice description, accessed on August 2018). The ‘Hallå konsument’ website also provides a list of the municipalities offering support services to consumers. These services often focus on debt and financial services only but some municipalities cover the full range of guidance to consumers (e.g. the consumer guidance centre in Helsingborg, in Mellerud, in Nässjö, Linköping, Herrljunga, etc.).

Sources: Practice’s [description](#) in the One Planet Network’s Global SCP Projects Database; Hallå konsument [website](#).

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## 3.11 United Kingdom

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### ► Stockton-on-Tees: Borough Council’s Trading Standards Service Plan

The Borough Council of Stockton-on-Tees intends to keep its reputation as a customer-focused council notwithstanding the substantial budget reductions required by the central government. In order to effectively allocate resources to its Trading Standards Service, it prepared a plan for the biennium 2017-2018. As a local authority, the Borough has to deliver ‘national outcomes through local action’, but it is free to select the most appropriate ways to do so. Therefore, against the national priorities set by the National Trading Standards Board, the Borough Council’s Trading Standards Service outlined its own priority areas, objectives, actions and targets. As reported in the plan, *‘the Trading Standards Service provides an important regulatory function, carrying out a range of duties aimed at protecting consumers and reputable businesses’*. These duties include: market surveillance work; advice and support services for businesses; advice and information services for consumers; responding to consumers’ and

businesses' complaints; investigating breach of consumer protection legislation; preventing damage to consumers and reputable businesses; and ensuring public safety. For example, in 2016, the complaint most frequently treated by the Service regarded 'Misleading actions and professional diligence' while the top request for advice from businesses related to 'Civil Law, including problems relating to the supply of faulty consumer goods and services'. According to the information included in the 2017-2018 Plan, the Trading Standards Advice Centre received very positive feedback in terms of users' satisfaction level (98.8 in 2016/2017). Furthermore, the amount of money received by the Trading Standards Service in the form of redress for local consumers and businesses almost doubled in 2016 (GBP 250,086) with respect to 2015 (GBP 137,814).

*Source:* Borough Council's Trading Standards Service [Plan](#) 2017 – 2018.

### ► Consumer Empowerment and Protection by the Consumer Council for Northern Ireland

The Consumer Council for Northern Ireland is a Non-Departmental Public Body whose main '*statutory duty is to promote and safeguard the interests of consumers in Northern Ireland*' (The Consumer Council's website). Specific duties relate to energy, postal services, transport, and water and sewerage. Funding for its activities is provided through the Department of the Economy but it may also originate from other departments according to the area addressed (e.g. funding for activities addressing water topics is from the Department for Infrastructure). In 2016, The Consumer Council underwent a restructuring which combined resources into three teams: the Consumer Protection Team, handling general enquiries and consumers' complaints about energy, transport, water and postal issues; the Consumer Empowerment Team, developing educational resources and delivering outreach events to inform consumers about their rights and how to get the best deal; and the Communications Team, issuing press, media and social media messages and campaigns aimed at raising consumers' awareness of the Council's role. The restructuring allowed for a more joined up approach, where the intelligence gathered as part of the enquiries and complaints handling activities is used to inform the development of educational and information resources. In addition, evaluation is regularly used across all aspects of the service provision. All this has resulted in raising the Council's profile with consumers (up from 32% to 50%) as well as the number of consumers who approach it for help with complaints (48% increase).

*Sources:* contribution to the online call 'GoodPractices4Consumers'; The Consumer Council's [website](#).

## ► Citizen Advice Scotland and Citizens Advice Bureaux

Citizen Advice Scotland (CAS) is a registered Scottish charity and the Association of Citizens Advice Bureaux. CAS supports the members of the association by providing management and fundraising expertise, legal assistance, networking, training and support in meeting quality standards. There are 61 Citizens Advice Bureaux across Scotland which support more than 300,000 people annually. In 2016-2017, CAS's Scottish clients gained over GBP 144 million through CAS support services. Citizens Advice Bureaux provide support not only on consumer-related issues but also on other areas such as housing, debt, and work-related problems. CAS receives statistics and feedback from the Bureaux on the most common problems affecting citizens and uses this information to campaign for change. Each Citizens Advice Bureau is part of the local community which it serves. It is a local charity governed by a voluntary Board and is responsible for raising its own funds. In recent years, CAS has been given increasing responsibility by the central government in the domain of consumer protection. In 2012, it started the Citizens Advice Consumer Service, a UK-wide service advising consumers. In 2013 and 2014, responsibility for providing support to consumers grew. CAS (and the member Bureaux) is funded through several national and Scottish sources. A study conducted in 2016 reported that the core public funding for Citizens Advice Scotland was an annual amount of GBP 6,450,000 from the Scottish Government and the Department of Business, Energy & Industrial Strategy (BEIS) of the UK Government. That was '*to support its core advice services delivered via the Citizens Advice Bureaux network*' (Scottish Government website). Several other grants were given to CAS in relation to specific projects or activities.

Source: Citizen Advice Scotland [website](#); Scottish Government's [Review of Publicly-funded Advice Services in Scotland](#).



## Part 4 Conclusions and recommendations

According to the evidence gathered through this research, a range of instruments and tools are used by LRAs to deal with consumer rights protection and consumer policy implementation.

### ▶▶ Instruments

- **Legislative acts.** Regional laws on consumer protection are enacted and enforced by the regional authorities of some EU countries. Examples include Italy and Spain. These regional laws comply with corresponding national and EU legislation.
- **Statutory support.** This is given by LRAs to their departments, offices, boards, or institutes dealing with consumer protection issues in a variety of ways. Examples from the practices listed in this study include: the Municipal Department 59 - Food Inspection and Market Authority in Wien, Austria; the Municipality Ombudsman in Sofia, Bulgaria; municipal and district consumer ombudsmen in Poland; the Consumer Arbitration Board of Barcelona, in Spain, providing an extra-judicial system to investigate and resolve claims; the Kontsumobide-Basque Institute of Consumer Affairs, in Spain.
- **Institutional financial support.** This is commonly given by LRAs to third party bodies and organisations which are in charge of consumer protection law enforcement and/or consumer policy implementation. Examples include: financial support to the non-profit association Verbraucherschutzzentrale VoG by the Government of the German Speaking Community of Belgium; regional and local financing to consumer advice centres (and their local counselling branches) in Germany (e.g. the centre in Nordrhein-Westfalen and the centre in Lower Saxony); regional and local funding to The Consumer Council for Northern Ireland, in UK; regional and local funding to the Citizen Advice Scotland, in UK). This type of support gives stability to beneficiaries and a medium-term implementation horizon for the execution of their tasks.

### ▶▶ Tools

- **Physical offices.** LRAs put offices for the structured provision of services at the disposal of citizens. Examples include the Portuguese municipalities which have a long history of providing consumer services, information and support through dedicated municipal offices; the

Municipal Consumer Information Office in Barcelona, Spain; the Consumer Guidance & Budget and Debt Advice office in Malung-Sälen, Sweden.

- **Ad-hoc requests for services to associations.** For example, the initiative of the Municipality of Agios Dimitrios, in Greece, that sponsored a Greek consumer association to provide specialised legal services to its citizens.
- **Project-based interventions.** Projects allow specific topics such as education and sustainable consumption to be addressed. For example, the ‘A Good Opportunity’ project in Piemonte and Valle D’Aosta, Italy, whose aim is to educate consumers on the reduction of food waste through prevention.
- **Calls for projects.** As a mechanism for selecting the beneficiaries of consumer protection-related financial support. An example is provided by the Barcelona City Council, Spain, but there are also examples from Italian regions (e.g. prizes to ‘Young consumers’ in schools).
- **Mechanisms for coordination, participation and implementation at the territorial level.** Examples include the Regional Committee of Consumers and Users in Emilia-Romagna, Italy, established by the Regional Authority to help structure the intervention of consumers’ associations; and internet platforms as in the case of the ‘Hello consumer’ service in Sweden.
- **Action plans.** These are programmatic tools, such as the Strategic Plan 2018-2020 of the Kontsumobide-Instituto Vasco de Consumo, in Spain; and the Trading Standards Service Plan 2017-2018 in Stockton-on-Tees Borough, UK.

It may be concluded that in some countries the regional and local level is ‘the level’ where consumer protection support is actually delivered to citizens. There are some evident benefits derived from a decentralised model of consumer protection: 1) It is physically close to citizens and this proximity in turn enhances the accessibility of services. In fact, direct and face-to-face contacts still appear to prevail, although in the future it may be expected that consumer support in remote mode (e.g. using online instruments) will increase in importance. 2) It is flexible in responding to new needs as they arise, by using a variety of tools as described above, and by mobilising tailored resources (e.g. consumer associations) on a temporary or medium-term basis.



There are also drawbacks related to the decentralised delivery of consumer protection services, such as:

1) Financing may not be secured regularly over time unless it is structurally derived from institutional or statutory support. Resources may thus be limited if consumer protection is not a priority for the concerned local or regional authority, especially in time of financial crisis. 2) The cross-sectoral nature of consumer protection (e.g. from finance to food and energy) implies that a wide range of competences is involved in advice and counselling activities, including legal ones. Several local/regional authorities may lack a critical mass of consumers to justify investments in the consumer protection policy area, in terms of knowledge and human resources.

Regarding the implications for LRAs with respect to the changes proposed by the EC in the New Deal for Consumers, according to the level and type of competence of each sub-national public authority involved in the implementation of consumer protection policy, one or more of the following may apply:

- review of regional legislation in line with the transposition of the new Directives into national laws;
- identification by LRAs of qualified entities to bring collective actions or application by any LRA – if an independent entity – to become a qualified entity;
- alignment by LRAs to the harmonization efforts, across the EU, put forward by the EC in the proposals (e.g. in the field of fines);
- capacity by LRAs to understand/master new relevant legislation as well as new technologies' functioning as a consequence of the expected increase in size of the digital market;
- provision of support by LRAs to businesses to adapt to the new requirements in their relationship with customers;
- provision by LRAs of information to consumers on changes introduced by the new legislation;
- handling by LRAs or their specialised agencies of any side-effects caused by the new legislation (e.g. in the food industry and market, as a consequence of the banning as a misleading practice of dual quality products).

Finally, the upcoming New Deal for Consumers also brings about the opportunity for LRAs to strengthen their contribution in the domain of consumer protection, and in particular in the areas of citizens' trust in public institutions, and of consumers' knowledge of key rights. According to the information collected in the latest edition of the Consumer Conditions Scoreboard, both

these aspects have been found to be on modest levels in several of the countries classified as ‘decentralised’ in this study. Building trust in public institutions with regard to consumer protection issues is particularly important as *‘Trust is a driver for consumers to engage actively in markets’* and *‘there is a strong (0.79) correlation between the ‘trust’ and the ‘compliance and enforcement’ components of the Consumer Conditions Scoreboard’* (EC-DG JUST, 2017).

## **Annex I: List of references**

Austrian Federal Chamber of Labour (2018), *BAK Position Paper on the New Deal for Consumers* - COM (2018) 184; COM (2018) 185, July 2018.

Bureau Européen des Unions de Consommateurs (2018a), *Austrian Presidency of the European Union - BEUC priorities 2018*, published in June 2018 by BEUC, Brussels, Belgium.

Bureau Européen des Unions de Consommateurs (2018b), *Proposal for a better enforcement and modernisation of EU consumer protection rules - BEUC response to the Commission ex-post consultation*, BEUC-X-2018-041 - 31/05/2018.

Bureau Européen des Unions de Consommateurs (2018c), *Proposal for a directive on representative actions - BEUC response to Commission ex-post consultation*, BEUC-X-2018-049 - 08/06/2018.

Council of Bars and Law Societies of Europe (2018), *Preliminary CCBE comments on the Proposal for a Directive on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC*, 18/05/2018.

Council of Europe (2011), *draft recommendation on 'Local and regional democracy in Bulgaria'*, 21st Session, CG(21)14, 21 September 2011.

Council of Europe (2012), *draft recommendation on 'Local and regional democracy in Germany'*, 22nd Session, CG(22)7, 14 March 2012.

Council of Europe (2013), *Structure and operation of local and regional democracy – Greece, Situation in 2012*, report by the Ministry of Interior of the Hellenic Republic.

Council of Europe (2016), *Local and regional democracy in Croatia*, 31st Session, CG31(2016)11final, 20 October 2016.

Council of Europe (2016), *Local and regional democracy in the Slovak Republic*, 30th SESSION, Strasbourg, 22-24 March 2016, CG30(2016)09-final, 24 March 2016.

Council of Europe (2014), *Local and regional democracy in the United Kingdom*, 26th SESSION, Strasbourg, 25-27 March 2014, CG(26)10FINAL, 26 March 2014.

Diário da República n.º 215/1999, Série I-A de 1999-09-14, Lei n.º 159/99 de 14 de Setembro ‘*Estabelece o quadro de transferência de atribuições e competências para as autarquias locais*’.

EDiMA (2018), *EDiMA dubious about the benefit of the proposed New Deal for Consumers* - PRESS RELEASE – Brussels, 11 April 2018.

EuroCommerce (2018), *New Deal for Consumers – Position Paper*, 11 June 2018.

European Commission-Directorate-General for Justice and Consumers (2017), *Consumer Conditions Scoreboard – Consumers at home in the Single Market*, 2017 Edition.

European Commission (2018a), Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee , *A New Deal for Consumers*, COM(2018) 183 final, Brussels, 11.4.2018.

European Commission (2018b), Proposal for a *Directive of the European Parliament and of the Council* on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC, COM (2018) 184, Brussels, 11.4.2018.

European Commission (2018c), *Proposal for a Directive of the European Parliament and of the Council amending Council Directive 93/13/EEC of 5 April 1993, Directive 98/6/EC of the European Parliament and of the Council, Directive 2005/29/EC of the European Parliament and of the Council and Directive 2011/83/EU of the European Parliament and of the Council as regards better enforcement and modernisation of EU consumer protection rules*, COM(2018) 185 final, Brussels, 11.4.2018.

European Commission (2018c), Press Release on ‘*Dual quality of food: European Commission releases common testing methodology*’, Brussels, 14 June 2018.

European Parliament (2015), *Consumer protection in the EU – Policy overview: in-depth analysis*, European Parliamentary Research Service, Author: Jana Valant, September 2015 — PE 565.904.

Government of the Republic of Lithuania (2015), [Resolution No 281](#) on ‘Approval of the State Consumer Protection Strategy for 2015–2018’, 18 March 2015, Vilnius.

UEAPME (2018), Press release: “*New Deal for Consumers*”: *missed chance for SME-friendly law - No simplification of consumer acquis, too much emphasis on enforcement*, Brussels, 11th April 2018.



# Annex II: Consultation's flyer



## Call for good practices on consumer protection

Role and functions of public local and regional authorities in consumer protection

In some EU28 countries, consumer policy and practice are implemented at the sub-national level. However, there is little knowledge about the positive role European **local and regional authorities (LRAs)** have in this policy domain. This is a **call for the online submission of initiatives undertaken by LRAs** in the **domain of consumer protection** which can be considered as good practices because of their **positive impact**.

This call is in the form of a survey which is **commissioned by the European Committee of the Regions**. The survey's results will be used to integrate an ongoing study exploring the implementation of the consumer protection policy at the local and regional level. The survey is implemented by the contractor Progress Consulting S.r.l. ([www.progresscons.com](http://www.progresscons.com)) with the support of its sub-contractor Fondazione FORMIT ([www.formit.org](http://www.formit.org)).

### How to contribute?

- Follow the link [www.goodpractices4consumers.eu](http://www.goodpractices4consumers.eu).
- Read the Privacy Statement.
- Click on the "Next" button and start replying to questions. Questions are meant to guide and facilitate the submission process of the good practice you are proposing.

Response time depends very much on the quantity of information you are willing to share. The survey is in English and we appreciate your effort in sharing information with us in this language as it is the language of the study commissioned by the European Committee of the Regions.

This call for good practices will **close on Monday 13 August 2018**.

If you have any question, do not hesitate to contact us at: [rsoldi@progresscons.com](mailto:rsoldi@progresscons.com)  
For any further information, [www.goodpractices4consumers.eu](http://www.goodpractices4consumers.eu).







# Annex III: Consultation's webpage and form



**Good practices by European local and regional authorities in the domain of consumer protection**

In some EU28 countries, consumer policy and practice are implemented at the sub-national level. However, there is little knowledge about the positive role **European local and regional authorities (LRAs)** have in this policy domain. This is a **call for the online submission of initiatives** undertaken by LRAs in the domain of **consumer protection** which can be considered as **good practices because of their positive impact**.

This call is in the form of a survey which is commissioned by the **European Committee of the Regions**. The survey's results will be used to integrate an ongoing study exploring the implementation of the consumer protection policy at the local and regional level.

To participate in the survey and contribute with a good practice implemented by local and regional authorities, please click on **'Next' at the bottom of the page**.

Response time depends very much on the quantity of information you are willing to share. There are 15 questions guiding your contribution. Most of these questions are based on the selection of multiple choice answers. Some other questions are left open to allow you to describe the practice and to provide links to relevant webpages or documents which are online. The survey is in English and we appreciate your effort in sharing information with us in this language as it is the language of the study commissioned by the European Committee of the Regions.

Deadline for this call for good practices has been extended. Good practices can be submitted till **Tuesday 21 August 2018**.

The survey is implemented by the contractor Progress Consulting S.r.l. ([www.progresscons.com](http://www.progresscons.com)) with the support of its sub-contractor Fondazione FORMIT ([www.formit.org](http://www.formit.org)). Please refer to the Privacy Statement below and the PDF file downloadable from the European Committee of the Regions' website to know more about this survey, the use of the information that will be collected, and the names of the persons responsible for data-related issues.

If you have any question, do not hesitate to contact us at: [rsoldi@progresscons.com](mailto:rsoldi@progresscons.com)



## Privacy Statement:

*The follow-up to your contribution requires that your personal data (e-mail address, name, surname, and name of the belonging entity) be processed in a file. Participation in the consultation is voluntary (survey "opt-in" button).*

*At the latest after 6 months from the delivery of the final report of the study to the Committee of the Regions (estimated date: 30/08/2018), the technical data (i.e. the contributions) will be rendered anonymous by attributing a randomly generated code to each completed questionnaire.*

*Unless specifically requested by the addressee (use of the "opt-out" link in the invitation email or refusal to "opt-in" when taking the survey), the list of 'Consumer Protection' addressees and survey respondents (e-mail addresses, names, surnames, and names of the belonging entity) will be kept for a period of 2 years after the launch of the survey.*

*Should you require further information or wish to exercise your rights under Regulation (EC) No 45/2001 (e.g. to access, rectify, or delete your data), please contact the data processor [rsoldi@progresscons.com](mailto:rsoldi@progresscons.com), or the data controller of this survey's end-user: [Studies-DLW1@cor.europa.eu](mailto:Studies-DLW1@cor.europa.eu).*

*If necessary, you may also contact the CoR Data Protection Officer ([data.protection@cor.europa.eu](mailto:data.protection@cor.europa.eu)). You have the right of recourse to the European Data Protection Supervisor at any time ([www.edps.europa.eu](http://www.edps.europa.eu)).*

*For further information on CoR data protection policy and the use of your contributions, please consult the following legal notice:*

<https://cor.europa.eu/Documents/AdHoc/Privacy-statement-consumer-protection.pdf>

*Please note that the information on the good practice you submit may be used for inclusion in the final report of the study 'Consumer protection'. That report will be made publicly available on the web and could be transmitted to CoR rapporteurs and other EU institutions and used in CoR studies and publications. If you do not wish so, please inform us accordingly.*

Next

# Good practices by European local and regional authorities in the domain of consumer protection

## Call4GoodPractices

<http://www.goodpractices4consumers.eu>

### Section 0 - Consent and respondent information

#### Your consent \*

Having read the [Privacy Statement](#), I consent the answers provided in my contribution are used and analysed for the purpose of the study 'Consumer protection' commissioned by the European Committee of the Regions to Progress Consulting S.r.l. I understand that the information on the good practice I am submitting, including the names of the entities involved, may be used in the final report of the study and that the final report, upon its approval, will be made publicly available online, including in the section "Studies" of the website of the European Committee of the Regions. Answers will be aggregated so as to mention the name of all local and regional authorities whose good practices are presented, while always guaranteeing the anonymity of individual respondents.

#### Your name \*

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#### Your surname \*

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#### Your entity \*

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#### Your email \*

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### Section 1 - Main information about you

#### You are: \*

- Staff of a public entity at the regional level (regional authority)
- Staff of a public entity at the local level (local authority)
- Staff of a consumer association/organisation
- Staff of other entities (private/public/profit/no-profit) concerned with consumer protection (national government, centres, etc.)

#### Please select your EU country: \*

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## Section 2 - Main information about the good practice

Please select the main domain addressed by the good practice:

- Policy making on consumer protection
- Administration of consumer protection policy
- Implementation of consumer protection policy (for example, carrying out dissemination/communication activities, organising awareness campaigns)
- Provision of support to other organisations (for example, financial support to associations of consumers)
- Legal support to citizens/associations
- Other: please specify using max 200 characters, spaces included

Please specify the role public local/regional authority/ies has/have in the good practice. This survey is only for good practices where European local/regional authorities have a role (multiple choices allowed): \*

- A local/regional authority is the leader of the practice.
- Local/regional authority/ies is/are contributor/s to the practice (providing finance, expertise, infrastructures, etc.).
- Other: please specify using max 200 characters, spaces included:

Please write the name of the local/regional authority/ies you are telling about: \*

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## Section 3 - Your description of the good practice

The year the good practice started is: \*

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The year the good practice was completed is (please select “on-going” if the good practice is not completed): \*

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Please provide an English title of the good practice (if the practice has an official title which is not in English or has no official title, please give a title that tells what the practice is about): \*

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Target beneficiaries of the good practice are (multiple choices allowed): \*

- Citizens in general
- Businesses in general
- Consumer associations
- Youth

- Old people
- Migrants
- Foreigners
- Schools
- Parents
- Children
- Other: please specify using max 100 characters, spaces included:

**Please indicate the approximate allocated funds/total cost of the good practice: \***

- 0 – 20,000 EUR
- 20,001 – 50,000 EUR
- 50,001 – 100,000 EUR
- 100,000 – 200,000 EUR
- 200,001 – 500,000 EUR
- More than 500,000 EUR
- I don't know

**Please indicate the sources of funds used to implement the practice (multiple choices allowed): \***

- Local budget/funds
- Regional budget/funds
- National funds
- European funds (European Regional Development Fund, European Social Fund, European Agricultural Fund for Rural Development, Cohesion Fund, European Maritime and Fisheries Fund)
- Private sources
- I don't know
- Other:

**Please briefly describe in English the positive impact of the good practice (results, social impact, economic impact, etc. quantifying with figures and numbers).**

Please write your answer here (max 1,000 characters, spaces included):

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**Please briefly describe in English the good practice. \***

Please write your answer here (max 2,000 characters, spaces included):

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**Please suggest where other information on the good practice may be accessed on the web (links to web pages, to PDFs, Word documents, slides, etc.): \***

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**Please highlight any other aspect that in your opinion qualifies the practice as a good one.**

Please write your answer here (max 2.000 characters, spaces included):

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**European Committee  
of the Regions**

Created in 1994 following the signing of the Maastricht Treaty,  
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