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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (first reading) - Adoption of the legislative act = Statements

Statement by Austria

Austria underlines the importance of Recital 16, which states that Member States should not be required to establish a new penalty regime.

Commission statement

The European Commission declares the following.

- Article 21 requires competent authorities to take the necessary enforcement measures to cease widespread infringements. The Article sets out (in a non-exhaustive manner) in what situations enforcement measures are particularly appropriate.
- Amongst these situations, Article 21 lists: in paragraph (1)(d) commitments which are insufficient to ensure the cessation of the infringement or, where appropriate, to remedy consumers harmed by the infringement; and in paragraph (1)(e) the failure by the trader to implement those commitments.
- Article 21 (1) (d) and (e) must be read in consistency with the objectives of the Regulation, which are to set up an effective and efficient enforcement cooperation among competent public enforcement authorities to detect, investigate and order the cessation of intra-Union infringements and widespread infringement, and with the main provisions on remedial measures contained in the Regulation, in particular Article 9 (4) (c). In coordinated actions, where a competent authority has sought to obtain commitments from the trader to offer adequate remedies to the consumers concerned by an infringement, it may be particularly appropriate to take enforcement measures when those commitments are insufficient to remedy consumers harmed by the infringement or when those commitments are not implemented.
