



Council of the
European Union

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LIMITE

CONSOM 7

NOTE

From:	Presidency
To:	Delegations
Subject:	Draft Council conclusions on the New Consumer Agenda

In view of the informal videoconference of the Working Party on Consumer Protection and Information on 15 January 2021, delegations will find attached the draft Council conclusions on the above subject.

COUNCIL CONCLUSIONS ON**‘New Consumer Agenda’**

RECALLING the robust EU legislative framework on consumer protection, in place for almost fifty years, which has contributed strongly to the integration of the single market;

RECALLING the Commission’s Communications on:

- “The European Green Deal”¹;
- “Shaping Europe's digital future”²;
- “A new circular economy action plan for a cleaner and more competitive Europe”³;
- “Identifying and addressing barriers to the Single Market”⁴;
- “Additional Covid-19 response measures”⁵;

RECALLING the Commission’s Report on “the safety and liability implications of Artificial Intelligence, the Internet of Things and robotics”⁶;

RECALLING the Council resolution adopted on 11 October 2012⁷ in response to the previous “European Consumer Agenda: Boosting confidence and growth”⁸;

RECALLING the United Nations Sustainable Development Goals;

¹ Doc. 15051/19 + ADD 1
² Doc. 6237/20
³ Doc. 6766/20 + ADD 1
⁴ Doc. 6779/20
⁵ Doc. 12636/20
⁶ Doc. 6263/20
⁷ Doc. 14464/12
⁸ Doc. 10420/12 + ADD 1

HIGHLIGHTING the horizontal approach of consumer protection policy, incorporated into other EU policies, in the light of the provisions of the Treaties regarding consumer protection⁹;

THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES the adoption on 13 November 2020 of the Commission's Communication on a 'New Consumer Agenda: Strengthening consumer resilience for sustainable recovery' ('New Consumer Agenda'), which presents a vision for EU consumer policy from 2020 to 2025;
2. SUPPORTS the key priority areas and the priority actions aimed at defining and establishing measures for an effective high level of consumer protection and the empowerment of EU consumers in the transition to a greener, more digital and fairer single market;
3. UNDERLINES the lessons learned from the COVID-19 pandemic and the importance of permanent cooperation between the Commission and the Member States, which has proven essential to identifying priorities and actions in responding to consumers' needs and to ensuring a high level of consumer protection;
4. ENDORSES the holistic approach to consumer policy reflected in the New Consumer Agenda, and in particular the need for a close coordination of its formulation and implementation at European and national levels; ENCOURAGES the preparation of national consumer policy strategies in close collaboration between Member States and the Commission; INVITES in this regard the Commission to support such efforts;
5. HIGHLIGHTS the political vision of empowering consumers in the post-pandemic economy by making them key drivers and actors of the recovery, thus reinforcing the competitiveness of the EU economy and the internal market; UNDERLINES the need to address consumer protection primarily as a matter of economic policy, creating a direct link between consumer trust and economic recovery;

⁹ In particular, Title XV of Part Three of the Treaty on the Functioning of the European Union (Consumer Protection)

6. STRESSES the need to factor consumer interests into the design and implementation of sectoral policies, including in the sectors of health, food and consumer goods, energy, transport, telecommunications, data and digital, and financial;
7. ENCOURAGES Member States to support consumers to become major actors in the green transition, promoting more sustainable consumption also through innovative solutions and consumer education on green and sustainable products; STRESSES that sustainable products must be affordable for all consumers thus reinforcing EU competitiveness and global leadership in their production;
8. UNDERLINES the need to empower consumers through targeted, clear, comparable and reliable information on the environmental characteristics of goods and services; STRONGLY SUPPORTS the adoption of new measures that will stimulate consumers' preference towards sustainable goods, including food, by improving their right to accurate and effective information and prohibiting misleading green claims and greenwashing;
9. HIGHLIGHTS the need to reduce consumers' ecological footprint by supporting a long product lifespan, promoting durability and prohibiting programmed early obsolescence; ACKNOWLEDGES the key role of consumers in new business models that could optimise the efficiency and sustainability of goods and services such as sharing, leasing or remanufacturing goods, or providing them as a service or second-hand, in line with the goals of a circular economy; WELCOMES the intention to establish and promote a 'right to repair', which should allow goods to be repaired at a reasonable cost;
10. HIGHLIGHTS the need to ensure a reliable and safe digital environment for consumers through adequate tools, considering the challenges posed by the digital era, enabling innovation to deliver newer and better goods and services to all Europeans and establishing a comparable level of consumer protection online and offline;
11. SUPPORTS the revision of the General Product Safety Directive¹⁰ with a view to creating a level playing field for the safety of online and offline products by improving systems of recall, enforcement and traceability;

¹⁰ Directive 2001/95

12. STRESSES the need for a clear interplay between EU law on consumer protection and on the digital markets, in particular the Digital Services Act¹¹ and the Digital Markets Act¹², in order to establish a high level of responsibility and reinforcing the accountability of online intermediaries and platforms;
13. ENCOURAGES the revision of the guidelines on the implementation and application of the Unfair Commercial Practices Directive¹³ and the Consumer Rights Directive¹⁴ with a view to adapting their application to new commercial practices that disregard consumer rights;
14. STRONGLY SUPPORTS the Commission approach on the specific characteristics of different groups of consumers, with the aim to addressing their vulnerabilities and ensure that no one is left behind; UNDERLINES the need to promote inclusive awareness campaigns and local advice to reinforce consumer protection online and offline, in particular regarding safety, financial products and data;
15. UNDERLINES that the dynamic and rapid transformation of retail financial services, which is making new digital channels and products available to consumers, requires legislative and behavioural approaches to protect consumer interests; STRESSES the need to protect vulnerable consumers who have to use credit to purchase essential goods and services, such as health, education and utilities;
16. SUPPORTS the revision of the Consumer Credit Directive¹⁵ and of the Distance Marketing of Consumer Financial Services Directive¹⁶ with a view to implementing specific measures preventing consumer over-indebtedness and social exclusion, by reinforcing the requirements on creditworthiness assessment and supporting debt advice mechanisms;

¹¹ Doc. 14124/20 + ADD 1 - 3 + REV 1

¹² Doc. 14172/20 + ADD 1 - 4

¹³ Directive 2005/29

¹⁴ Directive 2011/83

¹⁵ Directive 2008/48

¹⁶ Directive 2002/65

17. HIGHLIGHTS the urgent need to establish effective mechanisms for exceptional circumstances in order to safeguard consumers' interests in future large crises and enhance consumer resilience;
18. EMPHASISES the significant role of civil society as well as consumer and business representatives in shaping consumer protection policy, ensuring broader participation in formulating and implementing consumer protection at EU and national level;
19. CALLS for an effective enforcement cooperation regime and appropriate redress mechanisms to allow consumers to make cross-border transactions in the internal market with trust; in particular a timely implementation of EU consumer protection rules, such as the Better Enforcement and Modernisation Directive¹⁷ and the Representative Actions Directive¹⁸, which will contribute to the proper functioning of the internal market;
20. CALLS for the development of an effective cooperation with third countries with a view to ensuring the safe placing of products on the single market and secure access for consumers to products sold online;
21. CALLS for the set-up of a clear responsibility and liability system for e-commerce platforms, to efficiently address fraudulent, unfair and misleading commercial practices, and the sale of non-compliant and dangerous goods and services through online sales platforms;
22. CALLS for an EU legal framework for Artificial Intelligence which guarantees a high level of consumer protection, aiming for transparency and safety, and providing for mechanisms to ensure efficient enforcement by the competent authorities, as well as for proper measures to prevent the negative effects of distortive algorithm systems;
23. CALLS for close collaboration between businesses and consumer representatives, aiming at a mutually beneficial relationship and deepening existing markets, particularly those related to the digital and green transitions;

¹⁷ Directive 2019/2161

¹⁸ Directive 2020/1828

24. CALLS for a widespread and efficient cooperation of all consumer policy stakeholders, including civil society, and between national and European consumer organisations and the Commission; CONFIRMS the vital role of consumer organisations and thus the need to encourage their creation and to support them, as appropriate, so that they can fulfil their essential tasks of assisting consumers and defending their interests including through the standardisation process, in order to have a more balanced social market economy;
 25. SUPPORTS the Commission's intentions to establish a new consumer policy advisory body that brings together civil society, consumer organisations, industry and academics;
 26. RECOGNISES the need to allocate the necessary resources to implement the New Consumer Agenda and national consumer policies, namely through the 2021-2027 Single Market Programme, in particular its consumer objective;
 27. INVITES all parties to cooperate efficiently together to ensure a rapid implementation and monitoring of the New Consumer Agenda and, where appropriate, to reflect over time on its adjustments to new circumstances and needs.
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