



INFO-C

INFORMATION FROM THE CONSUMER POLICY SERVICE OF THE EUROPEAN COMMISSION - VOL. V, No 1-1995

1995 began with a flurry of activity for our new Commissioner Emma Bonino, who, like her 19 co-religionists, has had to take the now mandatory entrance examination for aspiring Commissioners - namely the hearing by the European Parliament. There was reason for suspense, but the jury finally gave a positive verdict, and the new Commission was approved by 416 votes to 103 (with 59 abstentions). As all observers of the European cause have noted, this new procedure is further evidence of Parliament's growing influence at the heart of Europe - a development we at the Consumer Policy Service have every reason to welcome.

In this issue we also turn the spotlight on the Consumer Affairs Council of 8 December 1994, the state of transposition of consumer protection directives in the Member States and the

Commission's follow-up to the cross-border transfers dossier. Then, eclectic as always, we take a look at tourism, detergents, video games, avowedly ecological petrol, and safety information (or its

absence) on labels of potentially dangerous products. We also warn you of Santa Claus: there may be more to him than meets the eye. Again, we hope

that our contributions on recombinant bovine somatotropin (what a mouthful!) and the microbiological purity of chicken meat and low-price products sold in the European Union won't spoil your appetite for the next week.

Finally, the publications section this time round is devoted mainly to legal texts. However, they are all very down-to-earth and just what you need if you are a consumer with a potential dispute on your hands.

1995

INFO-C

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Consumer Affairs Council of 8 December 1994

The **Consumer Affairs Council**, initially slated for 31 October 1994, was eventually held on 8 December. The Commission was represented by Christiane Scrivener and Austria, Sweden and Finland were invited. As mentioned in the last issue of **INFO-C**, some of the decisions originally scheduled for the 31 October Council were not carried forward to 8 December, but taken in the meantime. Hence the 8 December Council was an exploratory meeting rather than a decision-making one. The following items were examined:

1. Indication of prices of foodstuffs and non-food products:

the Commission adopted a proposal for a Directive (COM (94)431) extending until 1999 the validity of Directive 79/581/EEC (as amended by Directives 88/324/EEC and 88/325/EEC), on mandatory indication of prices, with exemptions for small retail businesses and products marketed in ranges of prepackaged quantities. Hence the transitional period, which was to expire on 7 June 1995, should be extended.

2. Labelling of products in the interest of the consumer:

Christiane Scrivener described the pilot project for camera labelling, where the Commission had opted for a voluntary system based on a dialogue between representatives of industry and consumers.

3. Contracts negotiated at a distance:

taking note of the agreement reached on certain points at the Consumer Affairs Council of 17 May 1994 (notably a compromise as to the scope of the Directive, which originally foresaw exemptions only for financial services), Christiane Scrivener urged the Committee of Permanent Representatives and the working party to pursue their work vigorously so that a common position could be adopted, if possible before the next Consumer Affairs Council¹.

4. Green papers²:

- a) Guarantees and after-sales services: in the wake of the conclusions of the first European Consumer

Forum, the Commission had announced the preparation of a proposal for a Directive on a minimum legal guarantee for consumer goods. In the domain of after-sales services, the Commission was keen that professionals should undertake precise commitments, possibly in the form of codes of good conduct.

- (b) Access to justice: Christiane Scrivener emphasised that the Commission wanted to enshrine actions in the collective interest of consumers and the mutual recognition of the capacity of consumer organisations to bring actions, to encourage funding of links between consumer associations with an eye to bringing actions in other Member States, to develop legal aid, to enhance information and training of lawyers and judges in Community law, and finally to encourage the out-of-court settlement of consumer disputes, notably those with a cross-border dimension.

Moreover, Christiane Scrivener deplored the failure to transpose consumer protection directives into domestic law³. Things had got worse since the last Consumer Affairs Council of 17 May 1994. The transposition rate had been 97% in May 1994 but currently it was down to 93%, following the entry into force of three new directives.

Finally, Christiane Scrivener handed the Ministers copies of the *European Consumer Guide to the Single Market*⁴.

Note that the dossier on cross-border payments was discussed at the Internal Market Council on the same day. The Council welcomed the proposal for a directive and Alain Lamassoure, French Minister for European Affairs, emphasised that this dossier would be one of the French Presidency's priorities.

¹ Scheduled for 30 March 1995.

² See the article on the first European Consumer Forum in **INFO-C**, December 1994.

³ See the article on this topic in this section.

⁴ See the article on this important publication in this section.



Cross-border transfers: draft notice on competition rules

The **Commission** has notified the banks of its position in regard to the application of competition rules to cross-border transfers. The background: the Commission wants the Council to adopt a Directive imposing certain rules relating to transparency, transfer times and the cost of cross-border payments, hence encouraging banks to cooperate in setting up common cross-border payment systems. This is why, in conjunction with the proposal for a Directive, the Commission has published this draft interpretative communication on the competition rules applicable to cross-border transfer systems. The Commission welcomes the creation of such systems, provided certain conditions are met:

- these systems must be open for further membership;
- the agreements must not lead to concerted practices vis-à-vis clients;

- inter-bank committees may, under certain conditions, be exempted from the ban on price agreements;
- all double charging will be prohibited;
- supplementary fees over and above those charged for domestic transfers will be admissible.

This draft notice was published in OJ No C 322 of 19 November 1994. Interested parties had until 6 January 1995 to transmit their observations. We will keep you briefed.

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Emma Bonino heard by Parliament

Following in the steps of the American Congress and its tradition of hearing the appointed members of government, the European Parliament has implemented for the first time the idea of organizing public hearings of the individual Commissioners in order to establish their suitability for office before voting the entire team in (or out). Each nominee had to make a ten-minute presentation, followed by two hours of questions with probing on personal matters disallowed.

Emma Bonino, who was an MEP herself, was upbeat about the future for consumer policy at her own hearing before members of the Parliament's Committee for Environment and Consumer Protection on 10 January. Stressing that much more emphasis needed to be placed on informing citizens/consumers, she appeared to confirm expectations that she is eager to enhance the role of consumer policy within the EU. She promised to start to work immediately

on a three-year action plan for 1996-98. She also mentioned several areas which deserve special attention, including the Consumer Consultative Council, the consumption of services, and the divergence in provisions for consumer protection in the various Member States.

Responding to questions from MEPs, Emma Bonino stressed her desire to work closely with the Parliament on all aspects of consumer policy. Areas of concern to MEPs which were communicated to her included requirements for product labelling, the non-application of European directives by some Member States, discrepancies in consumer protection between Northern and Southern Europe, the similarly uneven state of consumer representation, and the benefits to the consumer of reforming the Common Agricultural Policy. Emma Bonino indicated that she would be happy to return to the Parliamentary Committee on a regular basis, if invited, to update it on the progress being made.



Transposition of the Directives: let's try harder!

Once Directives have been approved by the Council of Ministers, Member States are obliged to transpose them into their national legislation by the deadline established by ... no other body than the Council itself! This obligation is not always complied with, as shown in the table below, which covers directives relating to consumer protection in respect of which certain Member States have failed to meet the transposition deadlines.

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	Deadline	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
Cosmetics													
92/86/EEC ¹	30.06.93	X	X	X	O	X	X	X	X	X	X	O	X
93/47/EEC ²	30.06.94	O	X	X	O	X	X	O	X	X	O	O	X
93/73/EEC ³	30.09.94	O	X	O	O	O	O	O	O	O	O	O	X
Consumer credit													
87/102/EEC ⁴	01.01.90	X	X	X	X	O	X	O	X	X	X	X	X
90/88/EEC ⁵	31.12.92	X	X	X	X	O	O	O	X	X	X	X	X
Package holidays													
90/314/EEC ⁶	31.12.92	X	X	X	O	O	X	O	O	X	X	X	X
Product safety													
92/59/EEC ⁷	29.06.94	X	X	O	O	O	X	O	O	O	X	O	X

X: Transposed

O: Not transposed

(Status: 29 November 1994)

¹ Fifteenth Commission Directive 92/86/EEC of 21 October 1992 on adaptation to technical progress (OJ No L 325, 11.11.1992, pp. 19-22).

² Sixteenth Commission Directive 93/47/EEC of 22 June 1993 on adaptation to technical progress (OJ No L 203, 13.8.1993, pp. 24-26).

³ Fifth Commission Directive 93/73/EEC of 9 September 1993 on the approximation of the legislation of the Member States on the methods of analysis necessary for checking composition of cosmetic products (OJ No L 231, 14.9.1993, pp. 27-46).

⁴ Council Directive 87/102/EEC of 22 December 1986 for the approximation of the laws, regulations and administrative provisions of the

Member States concerning consumer credit (OJ No L 42 of 12.2.1987, pp. 48-53).

⁵ Amended by Council Directive 90/88/EEC of 22 February 1990 (OJ No L 621, 10.3.1990, pp. 14-18).

⁶ Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours (OJ No L 158, 23.6.1990, pp. 59-64).

⁷ Council Directive 92/59/EEC of 29 June 1992 on general product safety (OJ No L 228 of 11.8.1992, pp. 24-32).



The 1996 Inter-Governmental Conference (IGC) and consumer policy

Consumer policy has not hitherto figured prominently among the themes proposed as the central ones for the **1996 IGC**. However, once you get beyond the big concepts like «democratic deficit» and start looking for down-to-earth ways of combating Union-cynicism among Europe's citizens, developing our policy appears as a way forward.

This personal comment provides an example. It was written for the November issue of the Copenhagen Commission Office magazine *Europa* by Christian Sørensen, professor of economics at Odense University (Denmark), former president of the Danish «Council of Economic Advisors», the central source of independent economic advice for the government, and current president of the «Economic Council of the Labour Movement», a think-tank and nursery for future leading social-democratic politicians.

If you have you come across similar viewpoints expressed by prominent figures, please let us know.

THE EU IDEAL – WHOSE IDEAL?

by Christen Sørensen

The problem with the EU project is that many of the Member States see it as a problem. While the decision makers are - almost without exception - in favour, there is wide-spread scepticism among the citizens of a number of countries (the Nordic countries included) about whether membership really has anything to offer ordinary people.

Official documents claiming that the EU belongs to its citizens do, of course, now abound. The internal market, for example, is described in these terms. However, given that what people see every day is high unemployment, undemocratic directives on food additives and the Commission's attempt to sabotage the EU Eco-label at a time of increased awareness of health and the environment, it is perhaps not so very difficult to understand the scepticism of the man in the street.

One could be forgiven for regarding the question of security as sufficient justification for EU cooperation - the effects will not be visible as long as there is no actual threat to security. One may also take the view - and many decision-makers do - that people should be able to accept that what is important is for the decision-makers simply to be there and not require any further explanation. This is, however, quite clearly, not enough, as the results of the referenda, etc. show.

I would personally advise the heads of state and/or government of the EU to make a concerted effort at the 1996 Inter-Governmental Conference to deal with the question of public scepticism and to remember that words without deeds will not do.

The most urgent step now is undoubtedly to implement the measures in the Delors White Paper to improve the employment situation. The White Paper has so far been worse than useless because failure to follow up its proposals has shown that, even in the face of a serious employment crisis, the EU heads of state/government cannot agree to act.

Environment and consumer questions must, furthermore, be taken much more seriously than the notorious directive on food additives and the Commission's attempt to sabotage the EU Eco-label would suggest. It is hard to understand why we, the consumers, cannot, by means of an easily identifiable symbol, acquire information about the quality of foodstuffs and other products. Surely our quality of life in the years to come is one of the most important of democratic objectives?

Denmark must therefore go to the 1996 Inter-Governmental Conference with a very clear message.

Christen Sørensen is a professor at Odense University and the President of «Arbejderbevægelsens Erhvervsråd» (Economic Committee for the Movement of Workers).



Free movement of people at last?

As shown by the previous article, bringing the European Union closer to its citizens should be a major preoccupation of the EU institutions and the governments of the Member States. In this vein, **Euro-Citizen-Action-Service** (ECAS) has welcomed the emphasis placed by **Mario Monti**, Commissioner responsible for the internal market, on an internal market for citizens. In the hearing with the European Parliament's economic and monetary committee on 5 January, Mario Monti, who is known for seeing the internal market as a whole, i.e not just as a question of goods, services and capital, but also people, spoke of regaining the support of public opinion and giving meaning to European citizenship by abolishing the showing of passports at borders.

ECAS goes one step further by expressing its desire to see the European Union not just living up to its legal obligations to get rid of border controls but also opening up a Europe of equal opportunities. To this effect, ECAS urges the new Commission:

1. To dust off a draft directive on the elimination of border controls so that the free movement of people announced by only the seven Schengen countries for 26 March can be extended to all 15 EU countries.
2. To hold with the European parliament a hearing on:
 - the right of people to move freely and acquire goods and services throughout the Union, as if it were their own country;

- the right to residence, health-care, social security and the recognition of professional qualifications in the other EU countries;
- the right to vote and stand in local and European elections;
- the right to information and to efficient handling of complaints, petitions, appeals to the ombudsman and access to courts.

3. To draw up an information and legislative action programme for a citizens' Europe to be achieved in the next five years.

ECAS has a hotline on visible and invisible barriers to the free movement of people which can be called on:

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European Consumer Guide to the Single Market

You may have heard about it and many of you may be waiting patiently for your copy... Well, at last it is here: the *European Consumer Guide to the Single Market*, a down-to-earth introduction to what the single market means for consumers; the opportunities it offers; newly-acquired consumers' rights; the challenges consumers face, and what remains to be done.

Subscribers to **INFO-C** will receive a copy in their own language where this is an EU language, otherwise in the language in which they receive **INFO-C**¹. Extra copies may be obtained from your local Commission Office (in Member

States) or Delegation (in third countries) listed in the telephone directory (please do not contact the Consumer Policy Service for this).

¹ Apologies to our Swedish and Finnish readers, whose language versions will appear a little later in the year.

European Directives: the fantasy mill grinds on

Towards the end of last year certain British newspapers announced that 80% of plant-based medicines sold in the United Kingdom would have to be withdrawn from sale in 1995 because of a new European Directive. Naturally, none of them put a precise name or number to this Directive. Nor could they, because the Directive never existed! It can

therefore be filed alongside all the other mythical Directives, like the one that was going to ban cheese made with raw milk or the one that was going to standardise the size of condoms. Europe could well do without this kind of disinformation, which the opinion leaders, whether through ignorance or malice, seem only too happy to spread about.

Information to consumer organizations: requests for financial assistance for consumer information and education projects

In order to improve the transparency of the award procedure and the processing of requests for financial assistance from non-profit-making consumer organizations for projects in consumer information and education, Unit 5 of the Consumer Policy Service informs that, with respect to the 1995 budget, priority will be given to proposals for projects with a view to:

1. Making the single market work for consumers: benefits and potential difficulties;
2. making consumers aware of EU consumer protection legislation, as implemented at national level;
3. training teachers or future teachers in consumer education, based on previous similar experiences;
4. throwing light on the use and abuse of advertising and marketing techniques focusing on children and adolescents.

Proposals for other projects will be examined insofar as the budget allows once proposals for the priority projects mentioned above have been dealt with.

Deadline for submission of all requests for financial assistance for consumer information and education projects to Unit 5 of the Consumer Policy Service is **31 March 1995**

We remind you that:

- projects have to be completed by 31 August 1996 at the latest;
- EC financial assistance can normally not exceed 50% of the total budget of the project;
- requests for financial assistance have to be presented on a special form.

For further information, forms and other, please contact:

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BST: Euro C considers the authorization of tests a bad decision

Despite the opposition of the UK and Denmark, the European Council of Ministers just decided to extend the prohibition of the use and sale of the bovine somatotropin (BST)¹ until the year 2000.

This decision is a first step to forbid the production, use and sale of the BST in the European Union.

Nevertheless, Member States who wish, are allowed to undertake limited trials in order to obtain the necessary data to assess the relevance of this product. The Commission will present a report on this subject before 1 July 1998.

Euro C, the Consumers' Unit of the European Trade Union Confederation (ETUC) thinks that these tests are unne-

cessary as there is already enough scientific data concerning this issue. Germany already told Euro C that it will not allow these tests to be undertaken on its territory. Euro C will campaign in order to force other governments to follow the position of the German government.

In those countries where the tests are allowed, consumers will no longer have confidence in the quality and security of milk and dairy products. As a result, the level of consumption of these products will be greatly reduced.

¹A hormone which can raise the milk production of a cow by 10 to 20%.

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Fifth European Day of Commerce

On 10 November 1994, **EuroCommerce** and **Forum Europe** held the *«Fifth European Day of Commerce»* in the Conrad Hotel, Brussels. They brought together EU officials and representatives of the retail and wholesale milieu, the banking environment and the world of electronics.

The main theme running through the conference was external elements' influence on the realm of commerce, with a particular emphasis on four essential areas:

1. The impact of the Single Market on the retail, wholesale and international trades
2. Shopping with plastic: new payment methods for retailers
3. Transport and town planning: how can commerce avoid getting stuck in the traffic?
4. Commerce and the technology revolution: looking over the hi-tech horizon

The two speakers who dealt in detail with the topic of consumers were Senator Feargal Quinn, Managing Director of Superquinn (Ireland), and **Peter Prendergast**, Director of the Consumer Policy Service of the European Commission.

Senator Quinn's introductory speech dealt with the importance of the customer and his role in the forging of a single market and a new Europe. Senator Quinn felt very strongly about the need to listen to the customer. He, as

Managing Director of 16 supermarkets, does so on a regular basis and the information he has gathered shows the Irish consumer as being disappointed with, what he felt were, the «promised benefits» of the internal market. He expected a greater range of goods, more benefits due to increased competition and his concerns about the environment to be taken into consideration by the manufacturers and retailers but, according to Senator Quinn's research, none of the above expectations materialised.

Peter Prendergast went a little further on this point when he put forward his view that the problem was not so much that the European consumer was particularly unhappy about the internal market, but that he simply did not know enough about it to realise what he was missing. Consequently, he called for the need to inform the European consumer of the internal market as well as his rights, benefits and legal standing within it. He remarked that the Consumer Policy Service is doing precisely that with its forthcoming 1995 radio advertising campaign to improve consumer awareness of the internal market.

To which initiative may be added the recent publication of the *European Consumer Guide to the Single Market*.

European meeting of EU consumer information centres in Königswinter

INFO-C has already published several reports on the cross-border consumer information centres that have been established in recent years. Now that most have got off the ground, the time had come to pool experience. Four such info-centres operate in Germany, in Gronau, Aachen,

Flensburg and Kehl, sponsored by organisations belonging to the **Arbeitsgemeinschaft der Verbraucherverbände** (AgV). The German Presidency of the Council of Ministers provided a welcome opportunity for the AgV in its capacity as the consumer associations' umbrella organisation to

organise a seminar on cross-border consumer protection in Europe, which was held in Königswinter near Bonn on 5 and 6 November 1994. Participants included approximately 100 representatives of consumer organisations from 10 EU countries as well as Austria, Finland, Norway and Switzerland. They discussed their experience with consumer advice and the need for closer cooperation between the infocentres. All infocentres and many of the sponsor organisations were represented, and presented their work and publications and discussed how cooperation could be intensified. Topics addressed included sources of information, methods of cross-border consumer advice, experience with counterparts in the individual border regions and, last but not least, the possibilities of continued funding. The contributions showed that, as the infocentres become more well known, the number of queries has been rising steadily. This increasing demand shows clearly how important and essential it is to maintain and expand these centres. It is not just a question of practical assistance for consumers in day-to-day problems associated with cross-border purchases of goods or services. The infocentres can also help the Commission identify weaknesses in the internal market, by evaluating the topics on which advice is offered and the kind of queries which most frequently crop up, and hence draw conclusions on what might be done at Community level. The endeavours made by the new Member States to establish similar systems for their own consumers also show that the idea of the consumer infocentres is not just a flash in the pan. For example, concrete proposals are in the pipeline for the Italo-Austrian border and there are also projects for regions in Austria that border on Germany.

Individual speakers emphasised that what matters for the future is to improve the pooling of information between the infocentres and to develop mutual support arrangements. For example, networking between the centres should be further expanded.

Kenneth I. Roberts, Head of Unit in the Commission's Consumer Policy Service pointed out that so far the infocentres had been established in the form of pilot projects. With regard to long-term funding, it was necessary to calculate the future demand for information facilities of this kind, determine who would foot the bill and see how the Community could contribute. The info-centres could not be seen in isolation from other Community measures. In future, greater synergy would be required in the context of Commission information campaigns, publications and media work. He urged the participants to play an active role and asked the infocentres to provide the Commission with as much information as possible to facilitate their decision making.

The seminar proved that the infocentres have become a useful instrument for actively helping consumers in the internal market. The first phase has been successfully completed. What matters now is to build on this foundation for the future.

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«Lowest prices» can bring unpleasant surprises

Over the last few years, owing to the severe recession in the industrialised countries, there has been a spectacular growth in discount stores in the French retail sector. In fact, it is now very much the done thing to shop at stores such as *Eda*, *Leader Price* and *Aldi*. Although these stores are vaguely reminiscent of sheds on state-owned farms in the Soviet Union in the 1950s, customers get what they come for – products whose prices are much lower than those of well-known brands. As a result, the traditional retailers have had to follow suit and stock their shelves with «lowest prices» items so that they can compete with the discount stores.

At the same time, those selling the well-known brands, who have been hit by this low-price trend, have had to launch aggressive advertising campaigns which are really a disguised way of reducing prices. This has led some people to wonder whether the quality of the foods sold at such unbeatable prices is entirely satisfactory.

The **Centre Régional de la Consommation** (consumer affairs centre) of the Nord-Pas-de-Calais region has tried to answer this question by carrying out a survey on the quality of low-priced products sold in discount stores and hypermarkets. The results were published on 18 October 1994.

Four discount stores (*Aldi* at Coudekerque, *Eda* at Petite Forêt, *Lidl* at Mons en Baroeul and *Leader Price* at Loison/Lens) and four hypermarkets (*Auchan* at Grande Synthe, *Cora* at Lens, *Continent* at Aulnoy and *Carrefour* at Lomme) were selected as being representative of the various regions in France. In July and August 1994 two samples were taken of each product by the bacteriology and food hygiene section (SERMHA) of the Institut Pasteur in Lille without informing the stores in advance. Analyses were carried out on 10 fresh food products chosen from among the lowest-priced items. These included unsalted butter, vanilla ice cream, deep-frozen or fresh quiches and pizzas, camembert cheese, and smoked salmon.

The findings are very disturbing, since many of the products did not meet current bacteriological standards. Although no salmonella was found, coliform, escherichia coli and, in particular, listeria bacteria were detected in a large number of cases. They were found, for example, in 2% of the butter samples, 6% of the ready-made sandwich fillings, 25% of the quiches and pizzas, 25% of the paté («rillettes»), 38% of the camembert, 64% of the **deep-frozen** hamburgers, and 69% of the smoked salmon! In several instances, the findings were so alarming that the Centre Régional de la Consommation decided to immediately alert the regional health authorities. Of the 160 samples taken, 31 of those from discount stores and 23 of those from hypermarkets failed the test. This means that 54 out of the 160 items purchased were unsatisfactory – in other words, one-third of the low-priced items do not meet existing hygiene standards!

A majority of the positive findings, and of the cases with serious implications, related to discount stores. It was there that most of the listeria and coliform cases were found. This is not surprising when you consider, for example, that a temperature of 11°C was recorded in a refrigerator at the *Eda* store in Petite Forêt!

The situation in hypermarkets, which cannot blame a lack of staff or inadequate checks, is not much better. At the *Auchan* and *Continent* stores, for example, the smoked salmon was given a rating of 3, i.e. it was rancid. The Centre Régional de la Consommation has tried to identify the reasons for these shortcomings. In the case of discount stores, the refrigerating equipment used is inefficient (and may have been bought

second-hand). Another explanation is the lack of staff and the constant preoccupation with profitability. This is difficult to achieve when margins are so low and sometimes leads to instances of extreme negligence. In hypermarkets, as already mentioned, the problem cannot be blamed on staff shortages. One of the main causes is the desire to make a profit at all costs. This leads hypermarkets to impose increasingly unrealistic conditions on their suppliers, which has a knock-on effect on delivery firms. As a result, less care is taken over quality owing to the pressures applied at each stage of the «cold chain». Therefore retailers cannot simply lay all the blame on earlier links in the chain. In any case, under French law, final responsibility rests with them: thus, Article L 212.1 of the Consumer Code requires retailers to check that the products they sell meet statutory standards. It is therefore absolutely disgraceful that such badly-contaminated food is on sale, particularly after the listeriosis epidemics that hit the headlines in 1992 and 1993.

According to the Centre Régional de la Consommation, only one conclusion can be drawn. Either the retailers must take steps to ensure that the food they sell is bacteriologically safe (and that consumer associations are given the results of all their tests) or the public authorities must carry out more hygiene inspections and inform the public of any shortcomings found. Something must be done because, apart from the distress which they cause, the serious listeriosis epidemics which regularly break out as a result of corners being cut impose unacceptable costs on the whole community.

Copies of the full report by the Centre Régional de la Consommation, which also has a chapter on discount stores as a marketing phenomenon and another chapter classifying and comparing the much-trumpeted «lowest prices», can be obtained from:

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Tests reveal bacteria in chicken meat

BEUC and **IT** (an association of consumer organizations from 18 countries experienced in testing consumer products on a European-wide basis), have released test results showing that nearly half of all chicken meat sold in Europe is contaminated with pathogenic bacteria!

Tests were carried out in 11 EU countries (Luxembourg was not included), as well as Norway, Sweden and Slovenia. About 25 percent of the 1 700 samples tested were infected with salmonella and 30 percent with campylobacter. Overall, nearly half carried either one or both of the germs.

The results per country were as follows (levels for salmonella appear as the first figure and for campylobacter as the second): Belgium (16 percent of chickens infected with salmonella, 4 percent with campylobacter), Denmark (51%, 36%), France (25%, 53%), Germany (26%, 22%), Greece (4%, 0%), Ireland (13%, 29%), Italy (24%, 13%), Netherlands (23%, 45%), Portugal (48%, 60%), Spain (8%, 26%), UK (36%, 41%), Norway (0%, 1%), Sweden (0%, 10%), and Slovenia (11%, 47%).

Chicken can become contaminated on farms, in slaughterhouses or during further processing. That is the reason why

BEUC calls on the Member States to introduce measures to tackle the problem by making producers responsible for reducing contamination in chicken meat. In that respect, the full and proper implementation of the 1993 Zoonoses Directive by the Member States is an indispensable first step to improve the situation, but additional EU legislation is necessary in order to address the problem effectively. BEUC believes that a lot can be learnt from the successful measures taken in Norway and Sweden at every stage in the production chain to reduce the contamination rate of poultry. BEUC and IT acknowledge the financial assistance of the Consumer Policy Service of the European Commission for the tests. The complete report, entitled *Microbiological Safety of Chicken Meat*, can be ordered from:

IT
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Insufficient safety information

On 25 October 1994 **COFACE** (Confederation of Family Organizations in the European Community) held a press conference in Brussels at which it publicised the findings of a survey entitled *Safety information on dangerous products in the home*, conducted in eight Member States by sixteen organizations, mostly women's or family associations affiliated to COFACE. The survey concerned consumer understanding and assessment of EC-mandated safety labelling information on cleaning, DIY and gardening products.

Out of a total of 4 000 respondents, 8% declared that they had had accidents with products of this kind during the past five years. This gives an idea of the scale of the problem. Only a negligible number (1.4%) knew all the danger symbols. Users were most familiar with the symbols for flammable, toxic or explosive products; symbols relating to corrosive or irritant products were least well-known. There were interesting differences depending on education and, more surprisingly, mother tongue. Farmers and workers fared worst - a disturbing finding given that it is these

categories who are most likely to use such products. Respondents of Greek, Danish, Dutch or Spanish mother tongue did least well, which may be due to problems of understanding the translations of keywords for the dangers in these languages. Moreover, the way some of the labelling advice is interpreted is spine-chilling. Hence «keep in a cool place» was sometimes interpreted as «put in the fridge!» Not knowing what steps to take when a corrosive product enters into contact with the skin or eyes is also a serious cause for concern. It must be said that the labels themselves are somewhat laconic, with instructions such as «rinse thoroughly». What does «thoroughly» mean? For poison control centres, this means at least 15 minutes for the skin and 10 minutes for the eyes - but more than half of the respondents gave shorter times.

However, most of the respondents felt that all these particulars concerning product safety were important, but that they should be more down-to-earth and easier to understand. This is why COFACE is launching a two-pronged appeal: Europe must adopt further legislation in this domain.

with clarity as the primary goal, and at the same time orchestrate consumer awareness campaigns. As regards the first point, measures had already been taken while the survey was under way, and some translation errors have been corrected. But other translations still await correction, while certain symbols such as the St Andrew's Cross for corrosive products need to be replaced. Again, certain instructions - for example concerning the minimum and maximum temperatures that a product can tolerate, or the minimum rinsing period after contact with a corrosive substance - must be worded more explicitly. On the latter point, a vast effort is

required because only one-third of the respondents read the safety information before using a dangerous product!

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There is no such thing as environmentally-friendly petrol

In the *Publications* section of the December 1994 issue of **INFO-C**, we reported a study conducted by the Fédération de l'Oise APF Syndicales entitled *L'information des consommateurs sur l'utilisation des biocarburants* (Consumer information on the use of biological fuels), which warned people against being too enthusiastic about supposedly environmentally friendly fuels.

Similarly, when the **Osservatorio della Pubblicità e della Comunicazione di Massa** (the Italian equivalent of the UK Advertising Standards Authority), set up by the **Associazione Consumatori Utenti** - ACU (association of consumers), found out about the opinion issued by the national advisory committee on toxicology on 27 June 1994 and the study entitled *Analyse quantitative des risques de leucémie induite par les essences* (Quantitative analysis of the risks of developing leukaemia from petrol) produced for the Commission of the European Communities in 1991, both of which emphasise the toxic properties of all forms of petrol currently on the market, it complained to the competition and market watchdog authority (Autorità Garante della Concorrenza e del Mercato) about all advertisements for supposedly «environmentally friendly forms of petrol» which refer explicitly to protecting nature and the environment.

On 15 November 1994 the Authority acknowledged that the arguments of the Observatory were well-founded by declaring that «the use of unreasonably emphatic expressions and of graphic allusions to nature» in order to promote the use of unleaded petrol was misleading, and gave instructions for such messages to be withdrawn and discontinued.

The Authority's decision states that the expressions generally used to promote petrol are «objectively unfounded and likely to mislead the target audience about the characteristics of the product promoted by the advertisement». In short, these messages might make the target audience believe that the use of «green» petrol can reduce the level of pollutants in the air. «This is quite wrong because the aromatic substances which these forms of petrol contain are known to be definitely carcinogenic», according to Gabriele Garbillo, chemical expert of the ACU, who added that «all this is clearly explained in the opinion issued by the toxicological committee of the Ministry of Health, and in the analysis carried out for the Commission of the European Communities».

The Authority's decision concerns the messages used by ERG («If you like blue, choose green») and IP («Green energy, blue strength»).

Gianni Cavinato, President of the ACU, said: «This decision can and must be extended to cover all messages of this type. There is also a need to be more vigilant about all these misleading forms of advertising in order to improve health and safety and to protect the environment more effectively. And that is what the Observatory is committed to doing on the strength of this decision.»

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Eco-labelling

In the *Publications* section of the October 1994 issue of **INFO-C**, we mentioned a brochure published by the Commission, entitled *European Union Eco-label Award Scheme*, which explains the scheme that has been set up to label products with a reduced environmental impact. On 14 November 1994, the **Commission** adopted ecological criteria necessary for three product groups: paper kitchen rolls, toilet paper and soil improvers, to obtain the eco-label. For kitchen rolls and toilet paper, the aim pursued through these criteria is to encourage products involving a lesser use of non-renewable resources and a reduced release of pollutants to air and water, and contributing to the recycling of previously used paper. Thus, the model for the awarding of the eco-label involves a system of points for each of the following seven criteria:

- use of renewable resources, mainly wood;
- use of non-renewable resources (coal, oil and gas);
- emissions of carbon dioxide (CO²) into the air;
- emission of sulphur dioxide (SO²) into the air;
- emission of organics into the water;

- emission of chlorine (bleach) into the water;
- volume of waste.

A further requirement is that all virgin wood to be used for pulp must originate from regions where environmentally appropriate forest management is applied, i.e. regions which abide by the principles defined by the Ministerial Conference on the Protection of Forest in Europe (Helsinki, June 1993) or the UNCED Conference of Rio de Janeiro in June 1992.

For soil improvers (products used by amateur gardeners to improve the quality of the soil), the focus is on promoting products based on recycled organic material in order to prevent soil and ground water pollution.

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A generation of video morons?

To see them with their blank faces, eyes glued to those dreadful little screens emitting noises beside which traffic din sounds like a Mozart symphony, you could imagine that the members of the 10-to-13 age group have reached the point of no return on the road to total morosity. But Luk Joossens, a sociologist at **CRIOC** (the research and information centre for Belgium's consumer organizations) has been doing some studying, and his findings, presented at a meeting held at CRIOC's headquarters on 29 November 1994, provide a glimmer of hope. In September 1994 he questioned 1 094 Flemish children in the above-mentioned age group, and this is what he discovered:

- 97% of boys and 92% of girls in the 10 to 13 age band have played video games or computer games.
 Seven children in ten own a games console, and almost six households in ten own a computer with games.
- The children who play these games the most tend to be the ones who get the most pocket money and the least

parental supervision, and to have their own television in their bedroom.

- Children regard video games first and foremost as pleasant entertainment. Most say they play because they enjoy it.
- For a small minority, video games are a real obsession. 2% frequently play first thing in the morning, before going to school, and 6% admit that they carry on playing because they are unable to stop.

30% of boys and 7% of girls have at some time played for four hours or more without a break.

- Six children in ten get tired eyes after playing for too long, and one in three gets aching hands. Only one in two know that children with epilepsy can make their condition worse by playing video games.
- Violent «beat 'em ups» such as «Mortal Combat» are very popular with the 10-to-13 year olds, although the manufacturers say they are designed for the over-15s.

After «Mario» (an adventure game) and «Tetris» (a puzzle game), «Mortal Combat» is the most popular game with these young children. Boys in particular adore fight games, essentially for the visual violence. Which begs the question: does this constant exposure to scenes of sadism and violence leave its mark on children of such tender years?

- **However:** if children spend a lot of their spare time on video games, they spend even more on television. 87% watch television for at least one hour every day, while only 14% play video games or computer games every day. This is only one in seven, which is not too bad when one considers the enormous choice of video games available to children today. Many more boys than girls play these games daily: 17% and 9% respectively. Girls spend less time on sport than boys, but they read more.

- Also, the most encouraging finding is that, despite what most of us may imagine, the «games freaks» are well integrated with their peers. They have just as many good friends as other children and get on well with their classmates.

Moral: children need to learn how to use these games without abusing them, and there should be clearer age warnings. This is CRIOC's plea to Melchior Wathelet, the Belgian Minister for Economic Affairs with responsibility for consumer protection.

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Washing powder survey

The **Centre Régional de la Consommation** for the Nord-Pas-de-Calais region has published a report on washing powder prices in the border regions of France, Belgium and England. Comparisons are not always straightforward since presentation and brands are not always the same, although the bulk of the market is shared between the big four: Proctor and Gamble, Unilever, Colgate-Palmolive and Henkel. Nevertheless, the survey shows that identical brands cost more or less the same in France and England, averaging FF 36.66 in France compared with FF 35.64 in England (some products, such as Ariel, cost virtually the same, while others, such as Action 2 and Persil can cost up to 20% more in England). The difference is that the price bands are narrower in England than in France (or in Belgium).

When it comes to comparing French and Belgian prices, the differences are much sharper. Making due allowance for differences in packaging and presentation, washing powder sold in Belgium can cost anything from 25 to 70% more than in France! A 5 kg drum of Skip, for example, costs a minimum FF 96.78 in Belgium, compared with FF 57.20 in France.

The report also contains a number of more general observations on the market in washing powders and related products (fabric softeners, stain removers, activators, water softeners, etc.).

The report can be obtained from:

Centre Régional de la Consommation
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or from:

Agence Transfrontalière de la Consommation
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The EIICA'S information campaign - a resounding success

The EIICA is more than happy with its 1994 information campaign to familiarise European citizens with legislation in the field of consumer affairs. Nine areas were covered - product safety, misleading advertising, package holidays, cosmetic products, foodstuffs labelling, insurance, consumer credit, pharmaceuticals and banking services. Moreover, the campaign was run in seven languages - French, English, German, Spanish, Italian, Dutch and Portuguese. Specifically, via its affiliates the EIICA distributed a total of 100 000 posters and 1 million brochures informing consumers about the

legislation and inviting them to consult consumer organizations before (and possibly after) making a purchase, particularly in the case of cross-border transactions, in order to forestall (or settle) potential disputes.

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Tourism: European Parliament's Resolution backed by BEUC

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You have already read in our columns about the 1990 Package Travel Directive¹ which is currently being transposed into national legislations. The directive aims to offer buyers of package tours supplementary protection by making travel agents fully responsible for the products they sell. Nevertheless, some do not see the progress made as sufficient. On 15 December 1994, the **European Parliament** adopted a resolution² on the Commission's report «Community measures affecting tourism»³, based on the report by the MEP Carmen Diez de Rivera Icaza (PSE).

BEUC fully agrees with the Parliament's conclusion that tourism has so far been analyzed mainly from an economic point of view and that the focus has for too long been on industry's interests in tourism rather than the consumers'. Hence BEUC supports the Parliament's demand for EU initiatives in the tourism sector to provide for a high level of consumer protection and for consumers to be informed of their fundamental rights as tourists. In particular, BEUC welcomes the Parliament's statement urging the Commission to put forward legislation on overbooking in hotels.

In addition, BEUC calls on the Commission to publish its Green Paper on Tourism as quickly as possible, which was originally due to be published by the end of 1994, and to commit itself to taking a number of specific actions, in order

to put the Parliament's demands into practice. In particular, BEUC wants the Commission to promise to integrate consumer policy into its tourism policy. More specifically, BEUC wants the Commission to commit itself to setting up a system which makes it possible for tourists to bring forward complaints and have them handled quickly, cheaply and effectively; to harmonise quality criteria and standards for the classification of hotels and other accommodation facilities or transportation; and to take action to ensure that travel insurance contracts are fair and transparent.

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¹ 90/314/EEC of 13.06.1990, JO L 158/59 of 23.06.1990.

² A4/0080/1994.

³ COM(94)0074.

The eye of the «Scannette»

Consumers are being watched ever more closely. **Sécodip**, the French market research company which has run a consumer panel for 25 years providing the information for company marketing executives to spot trends in consumer behaviour, has since January 1995 had a new tool at its disposal which combines speed with representativeness and comprehensive market coverage. The item in question, christened Scannette, is a small device rather like a remote control console which enables bar codes to be read electronically at home. The whole data collection and analysis system is called «Consoscan». It is very easy for the panellists to use - for most products, it simply involves bringing the Scannette up to the bar code, while for fresh food products and textile articles the user merely has to select a few options on a menu to enter the data. The panellists declare the date and place of purchase, the price and quantity purchased, the purchaser and user of the product, the special-offer price if applicable (very important to assess the effect such offers have on sales) and the total on the receipt for the transaction. The data are then transmitted

via Transpac to the Sécodip computer system. The rapidity of the system (as from 1996, clients will receive the information within a week of the end of each period) will enable manufacturers and distributors to identify market trends practically as they happen and to react immediately. This makes Consoscan a real marketing tool - it can indicate where and when consumers are buying, what they are buying and how they are buying. This means that advertising campaigns can be targeted very accurately by measuring the potential impact they will have on increasing consumption, the number of new buyers or brand loyalty.

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GREECE • THE NEW GREEK CONSUMER PROTECTION ACT

A new Consumer Protection Act (2251/94) entered into force in Greece in November 1994.

The preceding Act 1961/91 had proved inadequate in solving consumer protection problems. Setting out insurmountable prerequisites for the recognition of consumer associations and lacking decisive means of redress, it remained effectively a dead letter in the three years since its promulgation.

The new act expands basic consumer rights. It reenacts all the positive provisions of the earlier law, and includes all the necessary adaptations to Community law. In addition it also contains important consumer protection rules which, although they have been discussed within the European institutions, have not yet led to Community directives. The act also promotes the development of the consumer movement in Greece and makes it easier for consumers to exercise their rights.

The new act basically consists of two parts. The first part (Articles 1 through 9) regulates the basic consumer rights. The second part (Articles 10 through 14) contains provisions relating to the recognition of consumer associations, their rights, representative consumer bodies and procedures for settling consumer disputes.

I. Basic consumer rights

One feature of interest in the first article is the definition of consumer, which is considerably wider than the definition given in the Community directives, since it includes «any natural or legal person for whom products and services offered in the market are intended or who is the final recipient of such products or services». Hence the protective provisions also apply to transactions in the course of business, provided the professional is the final user.

The second article concerns standard contract terms. It widens the indicative list of unfair terms based on the Council of Europe recommendation to include additional unfair terms listed in Council Directive 93/13/EEC and mandates law enforcement agencies to interpret standard contract terms taking into account the need to protect consumers.

Article 3 governs contracts negotiated away from business premises and is based on the Council Directive, while Article 4 governs contracts negotiated at a distance on the lines set out in the proposal for a Council Directive, hence closing a major gap in consumer protection in Greece. Thus, suppliers are now obliged to convey clear contract solicitations that

inform the consumer of all relevant particulars. Advance payments are outlawed and consumers are entitled to repudiate the contract within ten working days of receipt of the product or performance of the service, while their privacy is protected against the abuse of modern means of communication.

The provisions in Article 5 concerning after-sales services are particularly significant, and reflect the spirit of the Commission's Green Paper on this subject. Specifically, suppliers are now obliged to provide usage instructions on their products and to inform the consumer on the product's expected lifespan.

The preceding act had not satisfactorily incorporated the principle of strict producer liability for defective products, as already enshrined in Directive 85/374/EEC. Article 6 of the new act fully recognises this principle and indeed expands it to include products which had been exempted from the scope of the Directive (e.g. products of agriculture and fishing). Moreover, it abolishes the ceilings on the producer's liability. Finally, it introduces rules on liability for the provision of services in line with Article 7 of the proposal for a Directive (CONSOM 20/ECO 86/6378/92 of 12 May 1993). However, here strict liability does not apply and the supplier of services is not liable for damages if he can show that he was not at fault.

Article 9 in principle reenacts the provisions of the preceding act in regard to misleading advertising, based on Directive 84/450/EEC; unfair advertising is regulated on the same lines. The article also contains welcome provisions on comparative advertising, and thus basically chimes in with the proposal for a Community Directive in this domain. In principle comparative advertising is permitted «provided that it objectively compares the material, relevant, verifiable and fairly chosen features of competing goods and services».

The provisions on direct advertising are of particular interest, i.e. advertising which is directly addressed to a specific consumer. Under the act, such advertising must be conducted in such a manner as not to impinge on the consumer's private life. Hence, direct transfer of an advertising message is allowed only with the express consent of the consumer. Moreover, the advertiser must tell the consumer how he came into possession of the consumer's personal data.

Finally, Article 14(8) contains a new provision banning television advertisements for children's toys between 7 a.m.

and 10 p.m. Hence, minors are protected against exploitation of their natural credulity and the advertising message is directed to the parents.

II. Organisational aspects and means of redress

The preceding act was characterized by a certain diffidence in regard to consumer associations. They were not provided with the wherewithal to enhance their role in policing the market. Only minimal rights were invested in these associations, and even these remained a dead letter because the prerequisites set by the act *de facto* precluded the creation of the associations in the first place.

The new act recognises as a consumer association any body which comprises at least 100 members and whose exclusive goal is to protect the interests of the consumers. However, in order to vouchsafe their independence, the act exhaustively lists such associations' permissible sources of income. Consumer associations are expressly prohibited from advertising for firms. State funding is one of the allowed sources of income, as in the past. However, up to now such funding has been almost non-existent.

The new act invests consumer associations with a series of rights whose exercise should give a real fillip to consumer protection. Hence, all consumer associations are entitled to obtain information on issues of consumer interest from all the public authorities, public organisations, public utilities and public law bodies. Consumer associations are also entitled to defend the rights of their members *qua* consumers both in court and out of court. With the aid of their organisations, consumers can overcome all the practical difficulties they encounter in defending their interests.

Consumer associations may also bring representative actions to protect the general interests of consumers and are even entitled to bring actions for financial satisfaction of non-material damages. Representative actions may be brought to seek the prevention or cessation of illegal behaviour, particularly when this behaviour consists in the use of unfair terms in standard contracts, prohibited selling and advertising techniques, infringements of obligations in regard to after-sales services, etc. Likewise, consumer associations may seek the withdrawal from the market of defective products which are liable to imperil the health and safety of consumers, or even demand rectifying advertising in the event of misleading advertising. A prerequisite for bringing a representative action is that the association or associations must have on aggregate at least 500 members.

However, the act prescribes severe penalties for consumer associations which abuse the right to bring representative actions or which repeatedly disseminate untruthful information to the public. Indeed the courts may even order the disbandment of a consumer association if it has repeatedly brought actions which have been thrown out of court as obviously unfounded, provided these actions were brought with intent or negligently. However, the act goes too far in that it includes a provision entitling a supplier to bring an action for damages both against a consumer association and personally against the members of its Board of Directors if a request for satisfaction of non-material damages is thrown out by the courts on the grounds that it is entirely unfounded.

In order to settle consumer disputes rapidly and inexpensively, the act retains the provisions on out-of-court settlement, in the form of an arbitration board for the amicable settlement of consumer disputes. These committees consists of a lawyer as chairman, a representative of the suppliers and a consumer representative. The work of these committees and consumers' reliance on them should go a long way towards solving many of the problems encountered by consumers. However, the fact that the act does not provide for the compensation of members of the committees may make it difficult for them to function effectively on an ongoing basis, as in the past.

Finally, the act provides for the establishment of two bodies. First, the creation of a National Consumer Council, a consultative and advisory body also foreseen in the old law. However, the NCC was never in fact constituted and was basically designed as a mouthpiece for consumers. In its revamped form the NCC consists in its majority of representatives of consumer associations, but workers, farmers, local government and suppliers are also represented.

Secondly, the act provides for the establishment of a Consumer Protection Committee of the Public Undertakings and Organisations. This Committee, in which consumers are also represented, prepares proposals and submits suggestions to the public undertakings with a view to improving their products and services. The public undertakings must provide the committee with information and explanations concerning complaints or problems encountered by consumers. Since complaints about services provided by the public undertakings are frequent, this committee harbours considerable potential.



Finally, the act provides for the imposition of severe fines by the Minister of Trade on suppliers who infringe its provisions.

All in all the new act underpins consumer rights and creates a positive environment for the development of the consumer movement in Greece. However, effective consumer protection depends on more than changes in the law. The Greek polity must endeavour to apply the law by providing additional resources, which will give practical substance to the new provisions.

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MALTA • LAW ON CONSUMER PROTECTION

Recently the Maltese Parliament gave its consent to the Consumer Affairs Act 1994. This new law is an important measure in the policy of the Government of Malta to protect consumers. Among other things the Consumer Affairs Act:

- deals with the functions of the Director of Consumer Affairs who is the executive head of the Department of Consumer Affairs and is responsible for the administration of other consumer protection laws;
- provides for new remedies for consumers including the establishment of Consumer Claims Tribunals to determine disputes between consumers and traders, and for the award of compensation orders to aggrieved consumers during the course of criminal proceedings under certain laws;

- establishes a Consumer Affairs Council responsible for promoting consumer interests in the marketplace;
- regulates the role of voluntary consumer associations giving such associations certain rights at law.

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BELGIUM • LAW ON CONSUMER SAFETY

The **CRIOC** (research and information centre for Belgian consumer organizations) has now analyzed the Law of 9 February 1994¹ on consumer safety, which transposes the European Directive on General Product Safety² and came into force on 1 July 1994.

The aim of the Directive is to urge Member States to take measures to guarantee the safety of all products offered to consumers rather than just those in specific categories, such as toys, electrical appliances or medicaments.

Features of the Belgian Law are:

1. it is essentially a prevention tool;
2. it is applicable across the board, but only where there is no other form of regulation in the sector concerned;
3. the safety obligation applies to all manufacturers and the law is applicable by all parties;

4. the competent authorities have wide scope for intervention;
5. provision is made for setting up a specialised committee to act as a consultative and advisory body on safety;
6. the Law applies to both products and services, whereas the protection envisaged in the European Directive applies only to products.

In concrete terms, it makes manufacturers/service providers and distributors responsible for ensuring that their goods (or services) are safe in *normal and foreseeable conditions of use* (differing in this from the American concept of «product liability»). This puts the onus on them to take care with composition, packaging, etc., provide consumers with all the relevant information about potential risks, take reasonable and appropriate measures against such risks, and

inform the appropriate authorities of any threat to consumer safety.

The Law empowers the competent authorities to take the necessary action to guarantee consumer safety, including withdrawing products from the market, or the less extreme step of informing consumers of potential risks arising from the use of certain products.

• ECOLOGICALLY CORRECT FROM AN EARLY AGE

The programme «My school cares for the environment» launched by **Didier Gosuin**, Minister of the Environment in the Bruxelles-Capitale region of Belgium, deserves praise in every respect. The scheme, which has been run over the last five years in collaboration with the *Maison de l'Information de la Région de Bruxelles-Capitale* and the *Institut Bruxellois pour la Gestion de l'Environnement* (IBGE), is aimed at pupils in the final two years of primary education and the first two years of secondary education at schools in Brussels. The theme of the 1994-95 programme is: «Changing consumption habits can be fun». The aim is to raise young people's awareness of new patterns of behaviour in their daily lives, at school, at home and when shopping in order to take better care of our planet's resources. For this purpose, teachers are provided with a pack of teaching materials and pupils with a logbook with some fifty pages of information providing food for thought about ecologically friendly consumption habits, and suggesting classroom activities based on this theme. A number of pages setting out what is meant by ecologically friendly consumption and pointing out the most frequent «eco-blunders» (such as leaving open a window directly above a radiator) are followed by eight chapters dealing with the daily routine: getting one's schoolbag ready, getting washed, getting dressed, eating and drinking, going to and from school, lighting and heating, washing up, and relaxing. Pupils are given a questionnaire for each of these areas, and useful tips are provided, such as using writing paper which has not been bleached with

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1 *Moniteur belge*, 01.04.94, pp. 8921-8927.

2 Council Directive 92/59/EEC of 29.06.1992 (OJ L 228, 11.08.1992, pp. 21-32).

chlorine, taking a shower rather than a bath, buying hard-wearing clothes, buying products in returnable packaging, using public transport, wearing a pullover rather than turning up the heating, putting dishes to soak before doing the washing-up, and only disposing of batteries and toys in special containers. At the end of the logbook there are some questions to stimulate class discussion, suggestions for organising a school event on an ecological theme, and the programme for the final event at the tram museum in Brussels. Invitations to this latter event will be sent to all classes which took part in this year's competition for drawing up a «charter for ecologically friendly consumption habits at school» and presenting it in a creative way.

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• FIXED PRICES FOR BOOKS?

Is Belgium going to follow the example of France, where for the last ten years books have had to be sold at a fixed price that is printed on the cover and only limited discounts can be offered? This arrangement, which is being proposed in a bill tabled by the C.V.P. MP **Herman Suykerbuyk**, is not surprisingly more popular among small booksellers, who argue that a book sold everywhere at the same price will be available at more locations and will have a better chance of being published and read, than it is among large retailers such as the FNAC and consumer associations. The major book distributors claim that the simplest way of making culture more accessible is to make it cheaper. In a similar vein, Test Achats (a Belgian consumer publication) is in favour of free competition, which is 'in the interests of the consumer'. Test Achats also points out that the aims of the French legislation have not been achieved; while the price of books has gone up, the number of books produced has not changed and the proportion of people who read books has actually fallen. The Belgian government at present seems to

favour a compromise solution similar to that proposed by the Francophone Community's Ministry of Cultural Affairs. Under this proposal, prices would be fixed for a given period after publication but then restrictions would be removed. However, any decision by Belgium will depend on what position the European Union might adopt on this subject. That, in turn, will have to take account of the judgment which the European Court of Justice has delivered in a case concerning the net book agreement in the United Kingdom¹.

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¹ Under a law named the '*loi Lang*' after the former Minister for Culture.

² We will talk about this judgment in a future issue.

NETHERLANDS • NEW STANDARDS FOR THE LAYOUT AND UPKEEP OF PLAY AREAS

On 14 November 1994, two Dutch associations, the **Stichting Consument en Veiligheid - SCV** (Consumer Safety Foundation) and the **Landelijke Organisatie voor Speelruimte en Jeugdrecreatie - NUSO** (National Association for Playgrounds and Recreation Areas), organised a conference on 'Veilig Buitenspelen: kinderveiligheid in de woonomgeving' (Safe outdoor play: the safety of children in their neighbourhood), which focused on the prevention of serious accidents in playgrounds.

With the aim of achieving a rapid reduction in the number of accidents in public playgrounds, the two associations joined forces to draw up a new set of safety standards, in the form of a guide entitled *Veiligheid van speelgelegenheden* (Playground safety) and check lists to be used on site.

The first copy of the guide was handed over officially to the Ministry for Public Health, Welfare and Sport (VWS) at the conference on 15 November, at the Hotel Krasnapolsky in Amsterdam.

The associations' aim was to introduce rules on the layout, inspection and upkeep of playgrounds immediately, in advance of the new national legislation, which was to come into force in 1995, and the proposed new European

standards on the safety of roundabouts and playground equipment and surfacing.

It was also pointed out that local authority staff may ask for advice; the SCV proposes inspecting playgrounds so that it can identify and inform the local authorities of any potential hazards. The local authorities will then be able to decide which improvements are needed most urgently and can count on the support of the SCV and NUSO to carry them out. The logical outcome of these measures should be the establishment, in the near future, of a safety label for playgrounds.

Finally, some disturbing figures were quoted. According to estimates, nearly 12 000 children aged under 13 are admitted to hospital each year as a result of playground accidents. 5% of injuries are serious, such as open fractures and cerebral lesions.

For information:

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PORTUGAL • MORE PROGRESS TOWARDS PRODUCT SAFETY

«A criança consumidora» (Children as Consumers) was the title of a seminar organised by **Associação para a Promoção da Segurança Infantil - APSI** (the Portuguese Child Safety Association), at Sintra, Portugal, on 6 and 7 October 1994.

Maria do Céu Costa from the Instituto do Consumidor (Portuguese Consumer Institute) said that by the end of the year a safety information centre would be established with the support of the European Commission.

This centre now constitutes an additional link in the existing national consumer safety structure, comprising the Committee for the Safety of Consumer Services and Goods and the Portuguese outstation of the Community system for the surveillance of home and leisure accidents. It provides access to databases on comparative tests conducted in Portugal, complaints, notifications on dangerous products, and accidents.

The seminar's main objective was to discuss the Community Directive on general product safety, currently being

transposed into Portuguese law, and there was a broad-ranging debate on child safety problems concerning toys, playgrounds, day nurseries, kindergartens and schools. Although some legislation already exists, the participants unanimously agreed that all these areas are marked by serious shortcomings in regard to training, information, legislation, safety and the definition of responsibilities. Many discussants emphasised the importance of involving the public, since it was citizens' abdication from their function as consumers that was largely responsible for the current predicament.

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THE GALICIA-PORTUGAL CONSUMER INFORMATION AGENCY (AEIC) HAS PROVIDED THE FOLLOWING INFORMATION:

Establishment of an Arbitration Committee for Consumer Affairs

The «Conselleriade de Industria e Comercio» (Chamber of Commerce and Industry) and the Directorate-General for Trade and Consumer Affairs of the Xunta (government) of Galicia have established an arbitration committee for consumer affairs. This committee will arbitrate in consumer disputes, with the main task of regulating conflicts between consumers and undertakings which, on their own initiative, wish to resolve their disagreements rapidly, effectively, without incurring costs and without going to court.

The main advantages of this new committee are: cases can be heard rapidly; effective arbitration of conflicts avoids recourse to the normal judicial channels; it is free, since there are only certain expert reports, drawn up at the request of one of the parties, which may give rise to (reduced) costs; it is optional in nature, since both parties are free to decide whether to take their case before the arbitration committee; the committee's decision is enforceable, having the mandatory nature of a judgement.

Courses for Teachers

A number of towns in the Autonomous Community of Galicia are organising courses (from 1994 to 1995) for primary and secondary school teachers. The aim of these courses is to introduce consumer education into schools. They deal with such things as the labelling of food products, advertising, toys and food hygiene.

Meeting with AEIC Portugal

The town of Guimarães (Portugal) is shortly to be the setting for a meeting between representatives of the Portuguese Consumer Institute and AEIC and the AEIC Consumer Information branch offices in Galicia.

This meeting will deal with subjects including:

- Publication of a brochure on guarantees and after-sales service;
- Publication of a brochure on consumer protection in Galicia and Portugal;
- A study of consumption patterns in Galicia and northern Portugal;



- The possibility of conducting joint studies and comparative analyses.

AEIC Galicia Information Bulletin

The first quarterly AEIC Galicia information bulletin has recently been published. It contains:

- a dossier, which in this first quarter is devoted to housing (review of articles in specialist magazines and articles which appeared in the press between June and August 1994; two selected articles on this subject and legislation relating to housing);
- a summary of articles on consumer affairs which appeared in the press between June and August 1994;
- abstracts of journals received between June and August 1994;
- a summary of consumer legislation applicable in Galicia adopted between June and August 1994.

Contact:

Agência Europeia de Informação Sobre Consumo
rua Capitão Alfredo Guimarães No 1
P-4800 Guimarães
Tel: +351 53 51 37 00
Fax: +351 53 51 37 09

Branch offices:

Euro Info
Axencia Galego-Portuguesa de Información ós Consumidores
Jofre de Tenorio 1
(Pza de C. de Arenal, Edf. Fontoira)
E-36002 Pontevedra
Tel: +34 86 86 22 33
Fax: +34 86 86 22 41

Euro Info
Axencia Galego-Portuguesa de Información ós Consumidores
Avda. de A Coruña, 6 baixo
E-15706 Santiago de Compostela
Tel: +34 81 54 55 64
Fax: +34 81 54 55 55

FRANCE • DIRECTIVE ON TRAVEL SALES⁵: CONCERN IN THE TRADE

The Member States are currently taking steps to comply with the European Directive giving travel agents sole liability vis-à-vis the client in the event of non-respect of a contract. France took the plunge on 1 December last year, bringing in a new requirement for travel agents to draw up a 19-clause contract with their clients listing, down to the last detail, the services offered and conditions for obtaining them. It also provides for the client to state the reasons for his choice, which by definition then become the conditions of the contract. What is causing most dissent in the trade, however, is the fact that travel agents now have sole and unlimited liability. This means they can be held responsible for anything that goes wrong, ranging from the hotel failing to provide the holiday-maker with the sea view guaranteed in the contract, to bankruptcy of the airline that is supposed to get him to his destination. The SNAV (National Association of Travel Agents) put its case to the Transport Minister, Bernard Bosson, pointing out the way insurance premiums for travel agents had soared since the law was brought in. The Minister conceded that France would have done better to limit travel agents' liability when transposing the European Directive, and implied that this «error» could be rectified.

The fact is that, in this case, non-interference might have been a better policy. After all, if the risks confronting travel agents are so immense that they are forced to pay out exorbitant insurance premiums, in the end it is the client who will bear the brunt of the increased costs. On the other hand, if it is difficult for a French travel agent to make a claim against an unscrupulous hotel owner on the other side of the world, how much more difficult will it be for the poor tourist! It seems the best protection all round would be for travel agents to begin by putting their catalogues in order.

Contact:

Consumer Policy Service
European Commission
Unit 6
J70 5/18
rue de la Loi 200
B-1049 Brussels
Tel: + 32 2 295 77 11
Fax: + 32 2 296 32 79

⁵ Council Directive 90/314/EEC of 13.6.1990 on package travel, package holidays and package tours.

UNITED KINGDOM • HELPING THE BRITISH CONSUMER SHOP ABROAD

The January 1995 issue of *Which?*, the magazine of the British **Consumers' Association**, provides some useful information about shopping abroad for bargains. In the case of the British consumer, and much to the dismay of the tax authorities in the UK, that usually means crossing the Channel for a day and filling the car boot with loads of cartons of cigarettes and dozens of bottles of various liquids

bearing little resemblance to orange juice. The first issue is whether it is really worth the trip. The following table helps the potential traveller make the calculation by showing a selection of prices obtained on the weekend of 1 October 1994 from two supermarkets in Calais and from a branch of Tesco and Sainsbury's in the UK. The conversion rate applied is that of 30 September 1994, i.e. FF 8,3491 = £1.

Product	Prices compared		
	French price (£)	UK price (£)	Saving (£)
Bacardi 70cl	10.77	11.49	0.72
Beefeater Gin 70cl	9.16	10.49	1.33
Black Tower 75cl	3.17	3.49	0.32
Gordons' Gin 70cl	7.31	10.49	3.18
Jameson Whisky 70cl	10.60	13.39	2.79
Le Piat d'Or 75cl	2.58	3.69	1.11
Smirnoff Vodka 70cl	6.82	10.49	3.67
Stella Artois (24x25cl)	4.69	9.95	4.26
Teacher's Whisky 70cl	9.16	11.49	2.33
«33» Export (10x25cl)	2.10	5.39	3.29
1664 (6x25cl)	1.87	3.99	2.12

The second issue is what you are allowed to bring back. Thanks to the internal market, there is no limit to what you may bring back for your own use. But if you go over certain limits, Customs and Excise may want you to demonstrate that your purchase is for personal use only. For more details, a

leaflet entitled *A Guide for Travellers*, is available free from Customs and Excise by calling 0171-202 4227. Or you can contact your local Excise and Inland Customs Advice Centre. The number will be in the phone book under «Customs and Excise».



Father Christmas is a «phone-y»

Broadly speaking, this is the conclusion that can be drawn from the ruling issued on 7 December 1994 by the **Paris Regional Court**¹ in the legal proceedings instituted by the Fédération Familles de France (FFF) against a call-line company (société S.B. Communication), which claimed that callers would hear Father Christmas's voice, and a publisher of free newspapers (société Editions de l'Eléphant), which carried advertising for the call-line company.

The matter was quite straightforward: the newspapers *Paris Paname* and *Media Pub* (which carry advertising and are distributed free all over Paris) published advertisements showing a picture of Father Christmas and encouraging the public to dial the number 36 68 X X in the following words: «Give me a call right now and win heaps of presents». The cost of the call (FF 2.19 per minute) was shown in very small print. However, once a caller dialled this number, all he got was a message suggesting that he call another number, 36 70 X X, which also cost FF 2.19 per minute, plus a standard charge of FF 8.76 per call!

The FFF presented several arguments in support of its application that the call-line company be shut down and the advertising complained about be stopped, namely that access to the telephone numbers 36 70 X X is prohibited for persons under age, that Article D406-1-2 of the postal authorities code bans telephone messages whose sole purpose is to drag out the length of a call, and that the newspaper advertisement peddled lies.

In its defence, the call-line company argued that the advertising concerned was not specifically intended for persons under age, that the use of Father Christmas in such advertising was not prohibited, that the advertising did not propagate lies given that details of the rules according to

which presents would be allocated had been lodged with a bailiff's office, and that the length of the call could not be regarded as excessive since the cost involved came to FF 43.80 for a maximum of 20 minutes. As for the publishers of the free newspapers, they stressed in their defence that the advertising at issue had been withdrawn from the issues of their newspapers which had appeared after the legal proceedings had begun.

The Court ruled that the message, both because of its graphics depicting Father Christmas and in its content (i.e. the promise of presents), was aimed mainly at children, that the arrangements requiring that two numbers be called was likely to mislead users, that Father Christmas's remarks were clearly intended to drag out the length of the call to an excessive degree, and that the number and value of the presents to be won clearly bore no relation to the number of callers. The Court therefore found in favour of the FFF and prohibited the telephone messages complained about and the use of advertising referring to them.

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Fax: +33 1 45 96 07 88

¹ *Tribunal de Grande Instance de Paris* - Ref. 66315/94



EU Court of Justice declares German ad ban on imported drugs legal¹

Lucien Ortscheit, a German pharmaceutical importer, was suing Eurim-Pharm, one of its competitors, seeking an order that it cease advertising foreign drugs that had not been approved by the German authorities. Under the law *Arzneimittelgesetz (AMG)*, all pharmaceuticals sold in Germany, including imports, must be approved by the responsible Federal authority prior to marketing. But there is an exception for certain products authorised in their country of origin which may be lawfully marketed when ordered by pharmacists in limited quantities to supply prescriptions. However, the advertising of such products is prohibited under the law *Heilmittelwerbegesetz*. Nevertheless, since 1992, Eurim-Pharm had advertised in the professional medical press the availability of imported pharmaceuticals unauthorised in Germany. The question which arose was whether the advertising ban was compatible with Article 30 of the Treaty of Rome guaranteeing the free movement of goods and Article 36 providing for the exemptions.

The Court said that the ban was a restriction on that principle since it applied only to imports. However, it added that the ban was covered by the Treaty exception to the prohibition of import restrictions justified on public health grounds. Since there was not yet a Community approval system or reciprocal recognition of national authorisations, each member country could restrict the sale of drugs on its territory to those approved by itself. Therefore the German ad ban was legal in that it prevented the systematic evasion of the law. Indeed, advertising campaigns for products unauthorised in Germany could result in large-scale orders for those products, their being subsequently manufactured in member countries where standards were less strict, and finally imported into Germany.

¹ C - 320/93, Lucien Ortscheit v Eurim-Pharm, ECJ 5011, 10 Nov. 1994.



The following guides have all been published by the **Scottish Consumer Council** and can be obtained from:

Scottish Consumer Council
Royal Exchange House
100 Queen Street
UK-Glasgow G1 3DN
Tel: +44 41 226 52 61
Fax: +44 41 221 07 31

• ***What's on my Record? - A practical guide to your rights of access to personal information***, is the first fully-comprehensive guide to rights of access. It contains information on statutory rights as well as giving practical guidance on how to gain access to personal records, how to get incorrect or false information put right, and how to obtain redress where damage has resulted from such information.

Its coverage includes computer records, credit reference records, medical reports and health records, as well as records held in relation to social work, housing and education. As a practical guide for the lay person, the guide strikes a balance between the detail of legislation and the minimum of information required to enable individuals to understand and exercise their rights.

• ***Poor and Paying for It - The price of living on a low income***, is a 201-page book which examines in detail the extent to which those living on low incomes are disadvantaged on a day-to-day basis throughout their lives. It covers a wide range of goods and services bought and used every day including housing, fuel, food, health services, transport, education, high street goods and services, credit and debt, social security and legal services.

Specially commissioned by the Scottish Consumer Council, the ten authors have highlighted many ways in which disadvantage is experienced. Although the book focuses on Scotland, the issues raised and the problems identified are common to the whole of the UK. Solutions to these problems are suggested throughout and they provide a practical base from which to start addressing consumer detriment.

• ***Getting the Best from your Solicitor***, is targeted specifically at the Scottish consumer. The title is explicit enough.

• ***Your Rights and Responsibilities - A personal Guide for Scottish Consumers***, is also for the Scottish consumer. This 180-page guide book covers not only the rights, but also the responsibilities, of the individual as a child and young

person, citizen, consumer, employer, health service user, householder, husband/wife/partner, parent, traveller and worker. Each section gives information and advice in plain, easy language, signposts the way to sources of further advice and gives names and addresses where more detailed information can be obtained.

• ***Consumer Education Handbook***, whose launch, which took place on 2 November 1994 in Glasgow, was attended by a team of young consumers from Ardrossan Academy who came second in the "European Young Consumers Competition 1994", is a 166-page guide which has been distributed free to every secondary school and college of further education in Scotland. It offers a broadly-based introduction to consumer education by identifying topics of consumer concern, suggesting possible class or group activities under each topic and directing teachers to further sources of information.

The range of the 27 topics is broad. While high street topics such as advertising, credit, food labelling and packaging all appear, space is also given to public services (education, housing, health), leisure and lifestyle (holidays, broadcasting) and consumer issues (access to information, the environment). Pilot tests showed that the handbook will be of use to teachers of general, modern and social studies. It will enable students to acquire knowledge and understanding, gain skills and develop attitudes which will help them to become effective consumers.

The Scottish Consumer Council promotes and represents the interests of Scottish consumers in general and in particular the disadvantaged. It researches areas of consumer concern and the resulting published reports are then used to influence the relevant bodies, such as central and local governments, nationalised and independent industries and public, professional and private sector services.

Which? announces that the following books are available and can be obtained from:

Consumer's Association
Castlemead
Gascoyne Way
UK-Hertford X, SG14 1LH
Freephone: +44 0800 252 100
Fax: +44 71 830 85 55



• **450 Money Questions Answered** will help you make the most important financial decisions with a proper understanding of what is involved. Using a straightforward, question-and-answer format, it explains each topic clearly and concisely. From lower-cost borrowing to saving and investing, state benefits and income support, it ensures you get a clearer picture of what is available. From taking out private health insurance to paying school fees, tax-saving to coping with unemployment, this 288-page guide tackles all the financial issues which may affect your life.

• **350 Legal Problems Solved**, which *Which?* describes as 'the 'lawyer' on your bookshelf', draws together the most common legal problems consumers face in a powerful question-and-answer book that will help you next time your legal rights are challenged. Whether you are in a dispute with neighbours, have a personal injury claim or need to complain about faulty goods, this 288-page guide will give you the confidence to take appropriate action, or seek professional advice, safe in the knowledge that you have a case.

• **120 Letters that Get Results** will help you assert your consumer rights, whether you are demanding a refund on faulty goods, complaining about a disastrous holiday or getting a raw deal from your local garage. Hailed as 'invaluable' by the *Daily Telegraph*, this 256-page book provides model letters for a host of different situations which will help you win redress. Simply choose the appropriate letter and insert the details of your own case.

Sources d'Europe, France's Information Centre for Europe, housed at the base of the Grande Arche, draws our attention to two of its publications:

• **120 answers to your questions on freedom of movement within Europe**. This 150-page compendium, in the form of fact sheets, puts forward practical answers to frequently asked questions on the freedom to establish oneself, work and study which has been introduced as part of the Single Market. The 120 questions are grouped under 15 main subjects, including consumer affairs, associations, undertakings, the environment, social protection, etc. (FF 150).

• **Enfants d'Europe** (Children of Europe). Published annually by Sources d'Europe, with updates, this teacher's

dossier is presented in the form of sheets relating to the countries of the European Union and their joint achievements. Its aim is to explain Europe to children (FF 70).

Sources d'Europe
Le Socle de la Grande Arche
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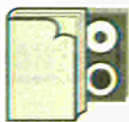
The **Guide du Futur Propriétaire - 1995** (Guide for future landlords) by Isabelle Rey has been published by First books. As its subtitle 'Everything you should know nowadays when buying property' suggests, this veritable bible of 510 pages tells you things that not even your mother ever knew about. The main body of the book is split into the following six major parts, which are in turn divided into several chapters dealing comprehensively with their subject area:

- Part One: Financing arrangements;
- Part Two: Buying an existing property;
- Part Three: Buying a property still at the planning stage;
- Part Four: Having a house built;
- Part Five: Doing up a house or renovating a flat.
- Part Six: Seven other ways of becoming a property-owner.

After this come the appendices:

- a comprehensive list of addresses giving details of estate agents' offices, building firms and consumer associations with wide experience of property-related matters;
- a list of the main pieces of legislation governing the property sector;
- and even details of the geographical distribution of termites in France as a whole, in the suburbs of Paris and in the city of Paris itself!

The guide contains numerous examples with specific figures, some of which are bound to correspond to the reader's own circumstances, as well as all regulations in force, a preliminary contract of sale with 30 comments on it, and the methods used by professionals when valuing a property. Since the property market is changing from one year to the next, the 1995 edition has also been expanded by more than 200 pages, and numerous tables have been added. Unfortunately, the limited space available here means that we can do little more than whet your appetite by mentioning



at random some of the hundreds of questions which this book answers. For example, is a bank entitled to unilaterally alter the conditions under which it undertakes to grant a loan? Under what circumstances can I revoke my purchase of a new property reserved while still at the planning stage? When must I pay the final instalment to the property developer? What tasks can be assigned to an architect? What permits do I need for such and such a kind of work to be done? What grants and tax deductions can I claim? How does one go about purchasing property jointly with others? What is a candle auction? Etc.

The author of this guide, Isabelle Rey, is a journalist specialising in property matters. She contributes to the daily newspaper *Les Echos* and to various magazines such as *Que Choisir* (published by the *Union Fédérale des Consommateurs*), *50 millions de Consommateurs* (published by the *Institut National de la Consommation*), *Investir* and *Mieux Vivre votre argent*. She is also a co-founder of the *Association des responsables de copropriétés* (ARC).

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¹ Isabelle Martinet praised the book very much in the excellent «Conso» feature in the France 2 programme «Télématin».

ASSECO CFDT - the Studies and Consumer Affairs Association of the Confédération Française du Travail - has just published a 140-page guide entitled **Location – Le Guide du Locataire et du Propriétaire** (Rented property – a guide for landlords and tenants) and edited by Alain Simon, ASSECO's National Secretary, and Yves Bérani, journalist. This guide incorporates the latest amendments introduced by the Act of 21 July 1994. It tells landlords and tenants all they ever wanted to know about the following matters: leasehold clauses (mandatory, optional or prohibited), duration of lease, determination and payment of rent, charges, maintenance, transfer and expiry of the lease, and, finally, different ways of settling different types of disputes. There is also a highly useful and substantial body of annexes, including the statutory texts governing rented

property, a standard contract, an explanatory note on the contract, and standard letters for use in a variety of delicate situations.

The Guide can be had from:

Editions de l'ASSECO CFDT
4 boulevard de la Villette
F-75955 Paris Cédex 19
Tel: +33/1 42 03 83 50
Price: FF 80 + FF 10 postage

A mortgage loan discount is a feature peculiar to Germany in the EU. All the relevant provisions class it as a form of interest which is contingent on the life of the loan. It is the source of many misunderstandings, which frequently lead to German consumers opting for discounts which are disadvantageous for them. Although the discount results in a lower nominal interest rate, it is expended once the agreed period of interest rate control has lapsed. By rescheduling their debt, selling their house or making special repayments, consumers are entitled to reimbursements of any interest paid in advance as the discount.

The **Institut für Finanzdienstleistungen e.V.** (IFF) has produced an eight-page booklet entitled **Faltblatt zum Disagio beim Hypothekenkredit** giving information about the problems and rights associated with such discount arrangements. In addition, an IFF report will be available from March 1995, dealing with such matters as purpose, settlement periods, legal agreements, amount of and interest rate on the discount, and methods of calculating claims in the event of early repayment.

The booklet can be obtained against advance payment of DM 9.50 from:

Verbraucher-Zentrale Bremen
Obernstr. 38/40
D-28195 Bremen.

The IFF report can be obtained as from March 1995 against advance payment of DM 148 from:

Institut für Finanzdienstleistungen e.V. (IFF)
Grosse Bleichen 23
D-20354 Hamburg
Tel: +49 40 34 28 59
Fax: +49 40 35 37 86



Forced sales, miracle lotteries, false special offers/sales, misleading advertising, false reductions, poor workmanship, etc. One in five French people were the victim of one of these malpractices in 1993! Indeed, all sectors of the economy, including banking, real estate, insurance and retailing, are fraught with countless traps, which **Le Guide de Défense du Consommateur** (The consumer protection guide) by Christilla Pellé-Douël (published by Archipel, 1994, 240 pp., FF 110) will help you to avoid. The main aim of this guide is naturally to help you to avoid any possibility of legal action. It is therefore very instructive to read the many true stories, since you can always learn something from the misfortune of others. So, after reading the chapter on the flagrant abuses committed by emergency repair firms¹, you will vow that if you ever have a water leak at the weekend, you will make do with closing the feed-cock and wait until Monday when you can contact a genuine and reliable specialist. However, as it is impossible to avoid all misfortunes, the *Guide* offers alternatives to legal action. The first is to try to settle out of court: as each chapter gives a review of the laws applicable to the case in question, you will, for example, be able to write a letter quoting appropriately from the texts in order to prove that you are within your rights. However, if the worst comes to the worst and you have to seek a legal solution, the *Guide* lists the various options: municipal arbitrators² at the various types of courts, consumers' associations and anti-fraud officials.

The *Guide* comprises three main parts, each of which is divided up into several chapters. The first part, which deals with daily life, covers insurance, banking, traditional sales outlets (department stores, garages, dry cleaners', etc.), mail order, holidays and advertising. The second part, which deals with the home, covers housing, credit, the telephone, gas and electricity, removals, home repairs and door-to-door selling. The third part, which deals with enforcing your rights, sets out the various solutions to legal action.

Christilla Pellé-Douël worked as a journalist for *50 millions de Consommateurs* from 1984 to 1988 and now works on the excellent «Conso» slot (which could never be praised enough) for the «Télématin» programme of France 2.

Contact:

Editions de l'Archipel
Service de presse: Marine Lambert Bachelierie
204, boulevard Raspail
F-75014 Paris
Tel: +33 1 43 20 53 00
Fax: +33 1 43 20 34 40

- ¹ For example, one of these firms charged FF 3 300 for the replacement of a door, when a replacement lock costing FF 175 in the shops was all that was needed!
- ² How many people know that the town halls of France have 4 000 arbitrators responsible for settling disputes between individuals and between individuals and tradesmen and that the decisions, where necessary backed up by a judge, are equivalent to legal rulings?

Ecosa, the European Consumer Safety Association, has launched a newsletter entitled **International Journal for Consumer Safety**. The aim of the new publication is to pool the efforts of those publishing in the field of consumer safety which, through harmonization of standards, cross-border trade, etc. is becoming increasingly international. It will contain full original papers, reviews and short publications on all aspects related to research, policy development, and implementation of prevention strategies. It also calls for your contributions on a variety of topics ranging from standards development for consumer products, through school injury prevention, to fire safety in private dwellings and public buildings. It is now in its first volume and the publication months of the four quarterly issues are March, June, September and December.

To obtain instructions on how to get a paper published in the *Journal*, please contact:

Wim Rogmans
Consumer Safety Institute
PO Box 75169
NL-1070 AD Amsterdam
Fax: +31 20 511 45 10

For details on how to receive the *Journal*, please contact your usual supplier, or:

Aeolus Press
PO Box 740
NL-4116 ZJ Buren
Tel: +31 31 47 20 55
Fax: +31 31 47 25 62

In the «Countries» section of this issue of **INFO-C** we take a look at the reaction of tourist professionals to the new law on package tours. On 28 April 1994 the **Belgian Commission de Litiges Voyages**, a non-profit making association, organised a colloquium on the new Belgian travel legislation and its practical implications for travel agents and tourists.



The proceedings have now been published under the title *Nouvelle réglementation belge sur les voyages - la loi du 16 février 1994* (410 pp). This volume reproduces the colloquium papers, the contributions made by the members of the panels, and selected questions and answers from the discussion sessions. The authors, all experts in the field of travel, examine the practical merits of the law, from a European and comparative perspective. The volume costs Bfrs 1 950 (with a reduction of Bfrs 500 for colloquium participants) and can be had from:

Commission de Litiges Voyages
rue J. A. De Mot 24-26
B-1040 Bruxelles
Tel: +32 2 233 60 36
Fax: +32 2 230 38 96

In *Rechtsschutz in der Europäischen Union* (C.H. Beck, 1994, 559 pp, price: DM 82), H.W. Rengeling, Director of the Osnabrück Institute of European Law, A. Middeke, judge at the Arnsberg Administrative Court and M. Gellerman, assistant at the Osnabrück European Law Institute, address the issue of the protection of legal interests before the European Court of Justice, the Court of First Instance and the national courts in regard to the application of Community law in the Member States, highlighting the very far-reaching impact of Community law in the Member States.

In the third edition, published in 1994, of *The Foundations of European Community Law* (Clarendon Press, Clarendon Law Series, Oxford University Press), which takes into account the changes which have occurred since the 1988 edition, primarily the implementation of the Treaty of Maastricht, Trevor C. Hartley, after examining more than 150 new decisions by the Court of Justice, describes the foundations of Community law and the operation of the Community/Union legal system. In his opinion, the last six years have been a period of consolidation rather than radical change, although he notes that there have also been a number of controversial decisions. One chapter examines the differences between national reactions to the application of Community law and to the principle of the supremacy of such law.

Lobbying the European Union, edited by R H Pedler and M Van Schendelen, and published in 1994 by Dartmouth Publishing Company Ltd under the auspices of the European Centre for Public Affairs, sets out in 14 case studies over 311 pages the role of pressure groups in the decision-making process of the European Union. In assessing their campaigns, it draws a number of conclusions as to the effectiveness of the methods used. Five cases relate to individual undertakings, another five to associations of undertakings and the final four to non-profit-making organisations. It would appear that, in spite of the pressure applied, few of these groups attain all their objectives. This book therefore makes it possible to see where more effort is required. It also raises the question of whether such pressure groups have a positive contribution to offer to the EU in providing information and expertise for discussions, or whether they represent a danger to the functioning of the institutions (£37.50).

A Modern Guide to the European Parliament, by Martin Westlake (Pinter Publishers, 1994, 302 pp, £14.99), is billed as a «modern guide» because it takes as its starting point the implementation of the Treaty of Maastricht and all the changes for the European Parliament which that implies, particularly its increased role and powers. This development is far from complete because, as Sir Leon Brittan notes in the foreword, the next five years will be a period of learning and experimentation but also, and perhaps primarily, of political change.

Questions and answers about the European Communities was published by DG X of the European Commission in 1994 as part of the «Europe on the move» series. This 16-page booklet provides answers to 20 of the questions most commonly asked by citizens of the European Union on five main subjects: the Union and citizens, the Single Market, Europe and the world, the administration and finances of the Union, and the future of the Union. Distributed by the Official Publications Office of the EC, it is available from European Union Delegations.



While the German system of labelling food is fairly well known, German consumers do not know enough about the quality labels of neighbouring Member States. However, the unrestricted movement of goods within the European Union means that the labels used on food from other Member States are becoming increasingly important for German consumers. That is why the **Stiftung Verbraucherinstitut** has published a brochure entitled ***Die Zeichen-Sprache unserer Lebensmittel*** (The sign language used on our food products), giving an overview of the quality labels used on food in the internal market. It covers:

- systems of labelling and quality statements;
- the principles of quality labelling;
- an overview of quality labelling in Europe;
- the quality of food and consumers' expectations of quality;
- an examination of quality labels.

Available from:

Stiftung Verbraucherinstitut
Versandservice
Postfach 1448
D-59935 Olsberg
(95 pp.; DM 6 + postage and packing; Order code A 152)

For information, contact:

Volker Preuß
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Reichpietschufer 74-76
D-10785 Berlin
Tel: +49 30 254 90221
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22-24 March 1995

Seminar on European Documentation for Lawyers

On **22-24 March 1995**, the **European Institute of Public Administration** (EIPA), is organising at Maastricht (NL) a seminar whose aim is to provide those working in the field of European affairs with the ability to trace and use European documents, by offering them a complete survey of, and methods of gaining access to, the main European documents. The seminar, which will be conducted in English, is open to civil servants working in European affairs, Community officials and legal experts of Member States and future Member States. For more information concerning the programme and registration procedures, please contact:

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NL-6201 BE Maastricht
Tel: +31 43 296 222
Fax: +31 43 296 296

18-22 February 1996

Third International Conference on Injury Prevention and Control

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After Stockholm in 1989 and Atlanta in 1993, it will be Melbourne's turn to host the **Third International Conference on Injury Prevention and Control** on **18-22 February 1996**. The Conference will showcase the progress made on various fronts: preventive measures, trauma management, rehabilitation, research methods, policy, advocacy, legislation, etc. The Conference programme embodies a collaborative perspective. Many sessions have been designed to bring delegates from more than one discipline or sector together on a topic of shared interest. The organizers say February 1996 will be here before you know it, so you'd better start waxing your surfboards today!

For further information, please contact:

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