

Public consultation on a proposal for a Regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws.

The Department of Jobs, Enterprise and Innovation is currently seeking views from interested parties on a proposal from the EU Commission for a new regulation in regard to consumer protection cooperation.

Background

Currently, the Consumer Protection Cooperation Regulation (EC) 2006/2004 (CPC Regulation) harmonises the cooperation framework between national competent authorities in the Member States of the European Union with regards to their enforcement actions. This CPC Regulation covers a range of 18 EU Directives and Regulations concerning the Union consumer and marketing law acquis (see Annex I below). It currently includes, among others, horizontal consumer legislation such as the directives on unfair contract terms and unfair commercial practices, as well as sector specific measures on financial services, passenger rights, timeshare, package travel, etc.

The EU Commission has completed a review of the CPC Regulation and, as part of its Digital Single Market initiative, it has issued a proposal for a revised Regulation on 25 May 2016. It is this proposed revised CPC Regulation that forms the subject matter of this consultation process. Details of the actual proposal and related documents can be found at the following link: <https://www.djei.ie/en/Consultations/>

Proposed changes to the CPC Regulation

A number of important changes have been proposed in the new proposal as follows:

- Expansion of the list of EU Directive and Regulations to be covered by the CPC Regulation that has not heretofore been covered;

- Major changes in the tackling of important harmful infringements, based on a threshold of infringements which concern at least 3/4 of the Member States, accounting together for at least 3/4 of the EU population;
- A greater role for the EU Commission in co-ordinating enforcement activity by national competent authorities;
- Making it compulsory for the Member States' competent authorities concerned to participate in the common enforcement action.
- Deadlines being set for response by Member States' competent authorities to enforcement and information requests from other Member States' competent authorities and the EU Commission.
- Requirement that a minimum suite of powers be available to all Member States' competent authorities so that they can cooperate more efficiently across borders, especially in digital markets: examples include the powers to:
 - initiate procedures on their own initiative (ex officio);
 - conduct test purchases and mystery shopping;
 - adopt interim measures;
 - close down a website, a social media account or a similar account;
 - impose fines and other pecuniary penalties,
 - request restitution of profits obtained through malpractices; and
 - ensure that concerned consumers can be compensated.
- Further changes include proposals in regard to the mutual assistance mechanism, detection of infringements, effective exchange of evidence, different national procedural standards, and prioritisation for enforcement actions.

Consultation process on the proposed Regulations

The Department of Jobs, Enterprise and Innovation will be leading the negotiations at EU level on this proposal. Work at EU Working Group level is expected to commence shortly with 4 meetings being scheduled before the end of July 2016. Thus, observations are invited for submission no later than close of business on Monday, 11 July 2016.

Submissions should be marked "*Consultation on Proposed CPC Regulation*" and can either be e-mailed to conspol@djei.ie or sent in hard copy to the following address:

Competition and Consumer Policy Section,
 Department of Jobs, Enterprise and Innovation,
 Earlsfort Centre,

Earlsfort Terrace,
Lower Hatch Street,
Dublin 2
D02PW01.

Freedom of Information

Attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 and 2003.

Publication of Submissions

The Department may also decide to place any submissions received by it on the Department's website in due course. A decision on any such placement may occur without prior consultation with respondents to this consultation process. Thus, it is in the interests of respondents to highlight, in their submissions, any commercially sensitive or confidential information which they would wish not to be disclosed at the time of submission.

Queries

Further information may be obtained by contacting Competition and Consumer Protection Section of the Department at the following contact points:

Rhona MacSweeney at 01- 6312503 (or at Rhona.MacSweeney@djei.ie)

Paul Brennan at 01-6312612 (or at Paul.Brennan@djei.ie)

Danielle Crowley at 01-6312652 (or at Danielle.Crowley@djei.ie)

Annex I

EU Directive and Regulations covered by the current CPC Regulation 2006/2004/EC.

1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council
2. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council
3. Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC
4. Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours
5. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.
6. Directive 94/47/EC of the European Parliament and of the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis
7. Directive 97/55/EC of the European Parliament and of the Council of 6 October 1997 amending Directive 84/450/EEC concerning misleading advertising so as to include comparative advertising.
8. Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers
9. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market
10. Regulation (EC) No 1394/2007 of the European Parliament and of the Council of 13 November 2007 on advanced therapy medicinal products and amending Directive 2001/83/EC and Regulation (EC) No 726/2004

11. Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights
12. Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws
13. Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004
14. Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004
15. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC
16. Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities
17. Regulation (EU) No 954/2011 of the European Parliament and of the Council of 14 September 2011 amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws
18. Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC