

European Commission
Directorate general Health and
Consumers
Unit B5 - Enforcement and European
Consumer Centres
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Public consultation on the review of the Consumer Protection Cooperation Regulation

Dear Sir / Madam,

I am writing on behalf of Independent Retail Europe, the trade body representing groups of independent retailers at EU level. Our organisation groups together over 300,000 independent retailers across Europe, with a combined turnover of over 900 billion Euros, directly providing 5 million jobs to the EU economy.

In the context of the public consultation of the Consumer Protection Cooperation Regulation we would like to emphasise two important points that should be taken into account in your work on this issue. These are the needs to i) enhance cooperation between Member State competent authorities and ii) ensure clear responsibilities for market operators in consumer protection legislation.

1. Enhancing cooperation between Member State competent authorities

Modern supply chains are complex and often cross-border. In the Single Market, food risks and general product safety issues can easily affect more than one national jurisdiction. As such it is essential for Member State competent authorities to communicate, and coordinate with each other, in cases of risks to consumer welfare.

Example: A consumer purchases a branded product from a distributor in Spain that is manufactured in the Netherlands. The product is later found to be harmful to consumers. Modern traceability systems allow a competent authority to trace a dangerous product back to its source. As such, the Spanish competent authority should not merely investigate the Spanish distributor and simply place the responsibility for the non-conforming product on that distributor.



The Spanish competent authority should actively trace back to the origin of the problem in the Netherlands.

To effectively investigate and resolve the issue with the Dutch manufacturer or importer, who has legal responsibility, the Spanish and Dutch competent authority must be in frequent and effective contact.

In other words, competent authorities should have the obligation to ensure that issues are not only traced back, but actually solved at the source.

To enhance cooperation between Member State competent authorities, the European Commission should encourage and facilitate networks of Member State competent authorities in the relevant areas.

2. Ensuring clear responsibilities for market operators in consumer protection legislation

There is a worrying trend to view distributors (the final link to consumers in a supply chain) as a quasi-control authority, continuously checking the compliance with safety rules of earlier supply chain operators. This trend, increasingly seen in product safety legislation (notably in the proposal for a Regulation on Consumer Product Safety) is unacceptable.

Both regulators and the market should operate on the principle of differentiated responsibility as developed in food and product safety legislation, whereby each market operator is solely responsible for the activities under his control. If market operators are not clear on their responsibilities, as a result of unclear legislation, there is a possibility of errors and harmful products could accidentally be brought onto the market, potentially harming consumers.

A good example of clear and effective product safety rules that respect the principle of differentiated responsibility are the rules on isolated cases contained in the guidelines to the Product Safety Directive (1). These rules should be brought into law by ensuring their inclusion in the final Regulation on Consumer Product Safety.

Sincerely yours,



Else GROEN
Director General

(1) Guidelines for the Notification of Dangerous Products to the Competent Authorities of the Member States by producers and distributors in accordance with Article 5(3) of Directive 2001/95/EC, Chapter 3.3

