



1991-2021

30 years defending European Consumers

The Consumers and Environment Category



European Economic
and Social Committee

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A word from the Category co-spokespersons

Bernardo Hernández Bataller and Thierry Libaert

Since it was set up in 1991, the Consumers and Environment Category of the European Economic and Social Committee (EESC) has had the same objectives, namely to ensure that all EESC opinions take into account the interests of consumer and environmental associations, to enhance dialogue with consumers and environmental campaigners, and to promote opinions that link consumer and environmental issues.

One of the Category's concerns has been to try to ensure that legislative changes adopt an approach that favours responsible lending; in particular, it has worked to secure common EU legislation to regulate consumer over-indebtedness.

We have drawn up a large number of opinions covering every key issue relevant to consumption and the environment. However, we are proudest of having championed innovative ideas in opinions that won broad support and were followed up on by the European institutions.

Difficult as it may be to pick out the best of our opinions, the following pages give a taste of those we have deemed to be the most meaningful. One of our acknowledged achievements is to have changed the narrow industry-oriented approach to the circular economy – based on upstream ecodesign and downstream recycling – by introducing consumer behaviour as a key consideration. We have consequently looked at the functional economy – which is intended to promote the use of a product over its ownership – as well as the sharing economy, collaborative consumption and the fight against planned obsolescence, to now give a much more comprehensive view of the circular economy.

A lot is at stake here. First, because it is the everyday habits of consumers that will determine whether Europe succeeds in attaining its climate change objectives. And then, because if we want to close the gap between Europe and its citizens and to curb the rise of populism, it is essential to show that the European Union is not just trying to regulate major economic and financial mechanisms but also to protect its consumers in their daily lives.



Presentation of the Consumers and Environment Category

The Consumers and Environment Category is currently composed of Members drawn from the Diversity Europe Group (Group III), most of whom represent consumer and environment organisations or are experts in these areas.

The Category's main objective is to discuss documents proposed by the European Commission and ensure that consumer rights and environmental protection are taken into consideration in all of the EESC's work. The Category is a forum for participants to discuss the policies implemented in their own countries.

The Category is very involved in preparing one of the most important events held each year by the EESC in the field of consumer protection: [European Consumer Day](#).¹

The Category's secretariat is provided by the Diversity Europe Group.



¹ EESC, Consumers – Related events: <https://www.eesc.europa.eu/en/policies/policy-areas/consumers/events>

Key EESC opinions drawn up by Category Members

NAT/764 – Developing synergies across different circular economy roadmaps

Rapporteur: Cillian Lohan (IE – Diversity Europe Group)

Adopted: 26 September 2019

The first phase of the circular economy has been a huge success. The concept is being mainstreamed in the business sector in particular, with private companies moving ahead of policy-makers in seeing the potential of work based on a circular economy model.

The circular economy is a practical means of achieving broader international policy goals such as the United Nations Sustainable Development Goals and the climate objectives of the Paris Agreement. It can also contribute to the Global Climate Action Agenda through the active participation of non-state actors, including local and regional governments and civil society organisations as represented by the three groups of the EESC.

The European Circular Economy Stakeholder Platform (ECESP) and its Coordination Group have a crucial role to play in developing the next stages and implementing the circular transition, by acting as an information hub through the ECESP website. The Platform also provides strong networking opportunities and encourages synergies, and is well positioned to design a template for a circular economy roadmap that could be made freely available.



NAT/712 – Climate Justice

Rapporteur: Cillian Lohan (IE – Diversity Europe Group)

Adopted: 18 October 2017

The EESC believes that citizens have a right to a healthy, clean environment, and to expect governments to take action on the drivers of climate change. The EESC calls for the drafting of an EU Bill of Climate Rights to encapsulate the rights of EU citizens and nature in the context of the challenges of climate change and encourages EU institutions and national governments to examine the application of the principles of Climate Justice at all levels.

Production and consumption systems must change to adapt to and mitigate climate change. Sustainable food consumption must start at the upstream stage of soil preparation and management of natural systems in order to provide the primary building block of food, and the EESC therefore points out that a framework directive on soil is needed. Consumers need sustainable ethical alternatives that will not reduce the convenience or quality of services or their accessibility.

New economic models such as the digital, collaborative and circular economy offer alternatives, but public investments are also required to ensure that infrastructure and appropriate supports exist to enable consumers to choose a low-carbon lifestyle, including assistance for meeting the higher costs of ethical and sustainable goods and services.

The EESC repeats its call for a European Energy Poverty Observatory to bring together stakeholders and define European energy poverty indicators, and to ensure that clean, affordable and accessible energy is available to everyone.



NAT/685 – Applying nudge thinking to EU policy-making

Rapporteur: Thierry Libaert (FR – Diversity Europe Group)

Adopted: 15 December 2016

The opinion generally promotes the nudging approach as a complement to traditional policy tools. It highlights the recent developments in the area, in particular the creation of nudge units in a number of countries, including the US, France and the UK, and in the European Commission.

The opinion encourages the use of nudges in policy-making in conjunction with traditional tools, and in particular when nudges can help reach environmental, social or other objectives connected to sustainability; promotes the exchange of good practices and knowledge about nudges and interdisciplinary research on nudges; identifies methodologies and ethical rules for using nudges, ensuring in particular transparency, freedom of choice for individuals, reliability of information nudges are based on and avoiding any approach tending to make people feel guilty; lastly, it envisages the organisation of the first European Days of nudges at the EESC.

The opinion was discussed during the plenary session in connection with the debate on new sustainable economic models with the European Commission vice-president, Jyrki Katainen.



INT/784 – The functional economy

Rapporteur: Thierry Libaert (FR – Diversity Europe Group)

Adopted: 15 December 2016

The EESC calls for society to begin an economic transition from over-exploitation of resources and a throw-away culture to a more sustainable, job-rich era, based on quality rather than quantity. The EESC recommends that the Member States and stakeholders promote responsible consumption, particularly throughout the education process, with an emphasis on the functional economy. It also recommends stepping up the pace of research and achievements in new methods of production and consumption connected to the functional economy, such as product eco-design, the circular economy, the collaborative economy and the economy for the common good.

An EU legislative package would provide a structure for services delivered through the functional economy, particularly in terms of new consumption issues: collaborative consumption, obsolescence, consumer understanding of these models, and a legal and pro-innovation tax. If regionalised, the functional economy could be useful for harnessing regional assets, shifting away from the standardisation inherent in mass production – which is partly responsible for the disillusion with current consumption – and allowing for all production externalities.

In order to cope with the fundamental shift to a new economic model with major systemic consequences in many areas, it is recommended that a new cross-cutting and permanent body be set up in the EESC to analyse these developments.



NAT/681 – The biodiversity policy of the EU

Rapporteur: Lutz Ribbe (DE – Diversity Europe Group)

Adopted: 5 September 2016



The EESC draws particular attention to the Commission's comments on the importance of protecting biodiversity, which it compares to climate protection. This is not just about conserving animal and plant species: it concerns the very conditions of human existence.

The EESC calls for immediate implementation of the Birds and Habitats

Directives, as well as of the Water Framework Directive, whose immediate implementation would in the EESC's view make a considerable contribution to improving biodiversity protection.

The Member States must finally determine actual financial needs arising from the implementation of EU law, and the Commission must make the necessary funding available. The financing of biodiversity through the second CAP pillar can be considered to have failed, and the EESC therefore calls for a separate budget heading to be introduced under which financing for the Natura 2000 network must be made available.

INT/686 – Collaborative or participative consumption: a sustainability model for the 21st century

Rapporteur: Bernardo Hernández Bataller (ES – Diversity Europe Group)

Adopted: 21 January 2014

Given the complexity and importance of the emergence of collaborative or participatory consumption, the relevant institutions need, on the basis of the necessary studies, to regulate the practices carried out within these forms of consumption, in order to establish the rights and responsibilities of all the stakeholders involved. A database containing exchanges of experiences and good practices in collaborative or participatory consumption should also be set up and made accessible to all consumers. The Commission could also organise awareness-raising and information campaigns on these forms of consumption.



CCMI/112 – Product lifetimes and consumer information

Rapporteur: Thierry Libaert (FR – Diversity Europe Group)

Adopted: 16 October 2013

The EESC would like to see a total ban on products with built-in defects designed to end the product's life. The EESC recommends that companies make their products easier to repair. This will require a threefold approach: making it technically possible, enabling consumers to get hold of the necessary spare parts for five years after purchasing the item, and ensuring that purchases are accompanied by information on how to have the repairs carried out. Setting aside the route of binding regulation, the EESC encourages voluntary certification measures. The EESC believes that improving the quality and durability of manufactured products will create lasting jobs in Europe and should therefore be encouraged. The EESC advocates providing information on a product's estimated life expectancy so that consumers can make informed purchasing decisions. It recommends trying out a voluntary scheme giving the price per year of the estimated life expectancy, in order to encourage people to buy items which will last.

The EESC considers that a system should be implemented guaranteeing a minimum operating period for items purchased and suggests that warranties should include a minimum operating period, during which the cost of any repairs should be borne by the producer. A harmonised legislative package is needed. The EESC recommends that the Member States promote responsible consumption. More generally, the EESC is in favour of picking up the pace of research and achievements in order to combat planned obsolescence effectively.

This opinion is particularly remarkable since it is the first time that a text of an EU body has commented on the fight against planned obsolescence. This opinion will serve as the basis for the European Parliament's resolution on the same subject, voted on 4 July 2017.



INT/629 – Involvement of consumer associations in the establishment and functioning of the single market

Rapporteur: Bernardo Hernández Bataller (ES – Diversity Europe Group)

Adopted: 14 November 2012

The EESC calls on the Commission to take the initiative to provide consumer organisations with certain common minimum requirements and with the rights they ought to have (e.g. right to be consulted, right to be heard).

The Committee considers that the Commission should encourage the Member States and national regulators to promote transparency, information and decision-making, stimulating discussion of the interests at stake and supporting positive discrimination in favour of organisations that represent the interests of consumers so that they can participate on an equal basis with economic players in regulators' discussion forums and consultative bodies.

There is also a huge disparity in access to information and expert knowledge on the operation of markets for services of general economic interest.



INT/348 – Collective actions system and its role in Community consumer law

Rapporteur: Jorge Pegado Liz (PT– Diversity Europe Group)

Adopted: 13 February 2008

The EESC has always advocated the definition at Community level of a collective action designed to secure effective compensation in the event of the infringement of collective or diffuse rights. Such a measure would usefully complement the protection already afforded by both legal remedies and alternative remedies, a notable example of the former remedy being actions for injunction.

The EESC considers that establishing collective action at European level would make it possible to step up consumer protection, thus making it easier for consumers to more effectively invoke their rights to institute legal proceedings, whilst also ensuring that EU laws are implemented more effectively, and comply with the basic principle of ensuring the right to an effective remedy and a fair hearing by an impartial tribunal, a right which is guaranteed under the Charter of Fundamental Rights of the European Union.

The EESC therefore intends to make its contribution to this appraisal by putting forward proposals in respect of the legal arrangements for such collective actions, taking account of the national systems applicable in European states, the experience gained by other states which have developed such measures and the principles set out in the recommendation of the OECD Council at Ministerial Level on settling and providing redress for consumer disputes.



REX/196 – Ethical Trade and Consumer Assurance Schemes

Rapporteur: Richard Adams (DE – Diversity Europe Group)

Adopted: 26 October 2005

This opinion tackles the analysis of the effectiveness of ethical trade and the identification, wherever possible, of approaches, tools, schemes, support measures and a legal framework which are effective and profitable. Using a knowledge-based set of systems, ethical trade can inform both the provider and the producer of goods and services and stimulate market-centred action and consumer response. Such activity ties in with the Lisbon Strategy and simultaneously contributes to the Millennium Development Goals.

Ethical trade covers a vast area, including fair trade labelling, labour standards and codes of conduct in the production chain, systems guaranteeing transparency in financial services and mining industries, organic food standards and various environmental protection systems. The opinion critically explores the necessary requirements of such schemes to be effective.



Over the years, the Consumers and Environment Category has prepared opinions on:

- fair trade;
- electromagnetic hypersensitivity;
- the use of renewable energy;
- energy poverty;
- over-indebtedness;
- mortgage loans;
- etc.



The subprime crisis, Brexit, health issues such as horsemeat in lasagna, Dieselgate, TTIP, CETA, different quality standards for identical products sold in east and west Europe and a host of other issues have mobilised consumer representatives from many countries to defend the rights of EU citizens.

The Category continues to rise to new challenges: it is currently discussing issues such as publicly generated energy, energy cooperatives and prosumers.

A more comprehensive list of the opinions drawn up by Category Members

NAT/788 – Towards structured youth engagement on climate and sustainability

Rapporteur: Cillian Lohan (IE – Diversity Europe Group)

Adopted: 20 February 2020

INT/882 – Consumers in the circular economy

Rapporteur: Carlos Trias Pintó (ES – Diversity Europe Group)

Adopted: 17 July 2019

NAT/736 – Facilitating access to climate finance for non-state actors

Rapporteur: Cillian Lohan (IE – Diversity Europe Group)

Adopted: 12 December 2018

INT/846 – Trust, privacy and security for consumers and businesses in the Internet of Things (IoT)

Rapporteur: Carlos Trias Pintó (ES – Diversity Europe Group)

Adopted: 19 September 2018

TEN/660 – The effects of a new carbon-free, decentralised and digitalised energy supply structure

Rapporteur: Lutz Ribbe (DE – Diversity Europe Group)

Adopted: 11 July 2018

INT/793 – A European Agenda for the Collaborative Economy

Rapporteur: Carlos Trias Pintó (ES – Diversity Europe Group)

Co-rapporteur: Mihai Manoliu (RO – Employers Group)

Adopted: 15 December 2016

TEN/559 – Electromagnetic hypersensitivity

Rapporteur: Bernardo Hernández Bataller (ES – Diversity Europe Group)

Adopted: 21 January 2015

INT/732 – Consumer vulnerability in business practices in the single market

Rapporteur: Bernardo Hernández Bataller (ES – Diversity Europe Group)

Adopted: 15 October 2014

INT/726 – Consumer protection and appropriate treatment of over-indebtedness to prevent social exclusion

Rapporteur-general: Reine Claude Mader (FR – Diversity Europe Group)

Adopted: 29 April 2014

ECO/297 – Financial education and responsible consumption of financial products

Rapporteur: Carlos Trias Pintó (ES – Diversity Europe Group)

Adopted: 14 July 2011

SOC/265 – Credit and social exclusion in an affluent society

Rapporteur: Jorge Pegado Liz (PT– Diversity Europe Group)

Adopted: 25 October 2007

NAT/262 – The large retail sector – trends and impacts on farmers and consumers

Rapporteur: Frank Allen (IE – Diversity Europe Group)

Adopted: 7 April 2005

INT/155 – Consumer education (own-initiative opinion)

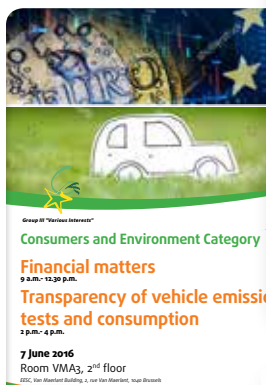
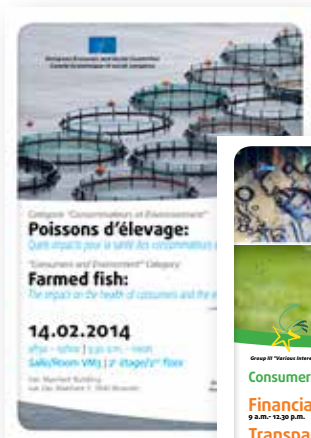
Rapporteur: Bernardo Hernández Bataller (ES – Diversity Europe Group)

Adopted: 26 March 2003

NAT/065 – On the precautionary principle (own-initiative opinion)

Rapporteur: Adrien Bedossa (FR – Diversity Europe Group)

Adopted: 12 July 2000



A word from the President of the EESC Diversity Europe Group

Séamus Boland



In celebrating the 30th anniversary of the Consumers and Environment Category, I would like to think that the Category has made great progress in influencing European consumer and environmental policy.

When the EU was founded, it is worth noting that this subject was not a prominent one in the Treaty of Rome. Indeed, history records that the treaty made incidental mention of consumer and environmental policy and it wasn't until the 70s and 80s that some real guidance on consumer policy emerged. It started with a Council resolution in April 1975, (OJ 1975 C 92/1), contained within a consumer protection and information policy document which outlined five basic rights

1. The right to protection of health and safety.
2. The right to protection of economic interests.
3. The right of redress.
4. The right to information and education.
5. The right to representation (right to be heard)

Later the complexity of legislation on the consumer and environmental theme would grow. Now we have many directives governing and regulating this area. Indeed, the crosscutting nature of consumer and environmental legislation has meant that almost every part of our lives is affected.

Looking at the work of the Category, since it was founded, as referred to by Mr Thierry Libaert and Mr Hernández Bataller, the two excellent spokespersons for the term 2020-2023, it is clear that the Members of the Category, which are currently all from the EESC Diversity Europe Group, have contributed enormously to this work. Bearing in mind the membership of our Group, this is no surprise, mainly because all of our Members represent people and communities who are directly affected.

However, this work is not finished. In the coming months and years, we will all be directly affected by the consequences of climate change. Whether it involves transport, work, the way we educate our children, the management of our health, and most fundamentally our food, water and energy supplies, everything will dramatically change. As in all change, the challenge will be adhering to the principle of «leaving no one behind» as expressed many times by the President of the European Commission, Ursula von der Leyen.

For my part as president of the Diversity Europe Group, I am very proud of the work done by the Category. I am equally confident that the Category will grasp the challenges of implementing both the European Green Deal and digitalisation, which will radically change the way we live and work. It is extremely important that we as a Group support and encourage the Category and its Members in this work. So, let us celebrate the work done and say thanks to the many Members who have contributed to the Category. And let's wish it many more years of success.



Séamus Boland



European Economic and Social Committee

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