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EP ALDE SEMINAR ON COLLECTIVE REDRESS BRUSSELS, 4 MARCH 2009

BUSINESSEUROPE'S VIEWS BY CARLOS ALMARAZ

- For BUSINESSEUROPE, effective and easy access to redress for consumers is important to ensure proper enforcement of their rights and to increase confidence in the market. It is also important for a well functioning and competitive Single Market.
- We agree that there is room for improvement and that the EU has a role to play. The Green Paper offers a variety of options and ideas for reflection.
- EU action should focus on ensuring/improving adequate and effective national and EU enforcement of existing or recently adopted legislationⁱ, promoting out of court means of redress (ADRs) and improving consumer information particularly on redress mechanisms.
- In the light of the principle of subsidiarity and the complexity and diversity of national judicial systems, we do not believe that there is justification for EU legislative action obliging Member States to adopt a judicial collective redress mechanism. This decision should be left to Member States.
- Judicial tools including collective actions are complex and lengthy. We doubt they have a significant impact on the confidence of consumers in cross-border shopping since most consumers prefer easier and quicker redress meansⁱⁱ.
- This is why we urge the Commission to reflect on the potential of ADRs to improve consumer redress and to address mass claims. Much more can be done to improve consumer redress through non judicial tools.

Questions:

1-What are the Commission's future plans for out-of-court redress tools and the role these tools will play in this debate?

2-How will the Commission guarantee an integrated approach on collective redress given the different speeds of the parallel debates held by DG Sanco and DG Competition?

ⁱ Regulation on small claims procedure in force since January 2009 and the Mediation Directive to be transposed by 2011.

ⁱⁱ According to 2008 Eurobarometer Report, only 15% of consumers considered «right to join others in a collective claim» as one of the best ways to protect consumers.