

From: [REDACTED] (JUST)
Sent: mercredi 27 mai 2020 17:44
To: PERIGNON Isabelle (CAB-REYNDERS); [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
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Cc: [REDACTED]
Subject: RE: Flash report - Exchange with the AmCham Consumer Affairs committee on EU consumer policy, Wednesday, 27 May 2020
Follow Up Flag: Follow up
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Dear [REDACTED],

Please find here below the flash report of the conference call held today with AmCham.

Best regards,

[REDACTED]

Flash report - Exchange with the AmCham Consumer Affairs Committee on EU consumer policy, Wednesday, 27 May 2020

Participants

- AmCham Consumer Affairs Committee: [REDACTED] Chair of the meeting, and several representatives of consumer goods companies, tech companies and consultancies.
- DG JUST: Isabelle Pérignon, Deputy Head of Cabinet, [REDACTED]

[REDACTED]

Objective: the call was organised further to the request of AmCham, to receive an update from the Commission on issues related to the New Consumer Agenda and on the Representative Actions proposal.

I. Pérignon and [REDACTED] gave an overview of the recent Commission's actions taken in the field of consumer protection, including the CPC Network action against rogue traders and the intention to adopt a New Consumer Agenda encompassing several key areas (consumer empowerment in both the green and the digital transitions; consumer vulnerabilities, enforcement, and international cooperation). Keeping a high level of consumer protection without

imposing undue burden to companies will be a crucial element of the economic recovery post-covid. Also, they gave an update on the state of play of the interinstitutional negotiations on the Representative Actions proposal, next Trialogue planned on 18/6.

Issues discussed

- In the Consumer Agenda, the green transition, sustainability and post-COVID protection of workers are connected, as the recovery must be green and digital, and vulnerable consumers must be protected;
- Will there be new legislation on digital issues? Some initiatives are contemplated, e.g. the revision of the GPSD and of the Consumer Credit Directive; possible feedback from the public consultation to be considered.
- The Green Consumption Pledges are voluntary set of commitments that companies would sign up to offer to consumers more green, sustainable and affordable products, and to actively assist them to find and purchase these products.

RAD:

- Negotiations were delayed, due to COVID, not to profound divergences, and technical work is ongoing; the positions are not that far away on the fundamental parameters, hence a good chance to still conclude in June;
- The Commission non-paper on RAD circulated to the MS is an informal, technical paper that does not reflect substantive positions of the Commission, but aims only at consolidating the respective positions of the colegislators without prejudging the negotiations;
- Harmonising rules on admissibility to regulate the homogeneity requirements for collective redress actions concerning issues of fact and law? The colegislators share the same objective, but the exact requirements are left to the procedural autonomy of the MS;
- The current practice of lawyers in Germany that seem to advise consumers to litigate individually rather than through collective settlement (with VW in the Dieselgate case): do the colegislators draw lessons and work on strengthening the RAD to prevent lawyers from financially exploiting collective redress actions? The COM always take into account practice on the ground in the MS and share the objective of ensuring consumer protection, not of creating a litigation industry; the proposal provides for safeguards, but also for procedural autonomy for the MS.

No specific follow-up action agreed; AmCham will follow closely the RAD negotiations and will be eager to learn more about developments on the Green Pledges.