Non-governmental consumer organizations in European Union. Selected aspects

Mira Malczyńska-Biały
Department of Political Science, The University of Rzeszow, Rzeszow, Poland
E-mail address: mira19@interia.pl

ABSTRACT

The article is based on an analysis of the subject literature, the legal acts and information from the official web sites of European non-governmental organizations (NGO’s), the main purpose of which is to present the idea and the primary role of NGO’s, whose priority is to propagate and popularize consumer protection within the European Union. In addition, an analysis is conducted of the systematics of the Consumer non-governmental sector in the European Union. Also the relation between non-governmental organizations and the European Commission are discussed. The article includes a characterization of the specific role of the European Economic and Social Committee, which consists of representatives of the various economic and social components of organized civil society, such as consumers in the development of consumer protection in the European market. In the next section of the article the chosen European Union non-government organization and its role in consumer protection is analyzed. In particular the specific actions undertaken in this area by the European Community of Consumer Co-operatives (Euro Coop), the European Farmers Organization, the European Association for the co-ordination of Consumer Representation in Standardisation (ANEC) and the Bureau Européen des Unions de Consommateurs (BEUC) are analyzed. The final section of the article is the conclusion of the real role of consumer NGO’s both now and in the future in European Union policy. Those considerations are based on real European Union regulations such as Regulation (EU) No 254/2014 of the European Parliament and of the Council of 26th February 2014 on a multiannual consumer programme for the years 2014-2020.

Keywords: European Union, consumer law, consumer organizations, consumer policy, consumer safety, non-governmental organizations
1. INTRODUCTION

Generally, consumer protection policy was established after the year 1992. At that time, on 7th February 1992 in Maastricht, the Treaty on the European Union, undertaken to integrate Europe, was signed by the members of the European Community. The Treaty devoted to consumer protection is under a separate title, XI. From that time, the Community is intended to contribute to the attainment of a high level of consumer protection (Treaty on European Union…). One of the ways to achieve this aim is the development of non-governmental organizations within the consumer sectors, which can be called the dedicated voice of the consumer at national and Community level.

Non-governmental organizations (Non-governmental organization – NGO) are civil organizations set up to serve a particular public interest and do not make profits out of their work. Non-governmental organizations are groups of people and are established on the basis of a commercial agreement. NGO’s are sometimes called the “third sector” and function next to the public and commercial sectors (Nielsen, Berg, Roll, 249). They are private organizations established on the initiative of their founders and serve the public.

European Union non-governmental organizations claim to represent the interests of EU citizens. They have, however, been characterized as elite-focused with weak links to grass root constituents and have on this basis been discounted as significant agents in closing the gap between European citizens and EU policy makers (Cullen, 318).

The major document that specifies the common legal grounds for the functioning of the non-governmental organizations was European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations issued on the 24th of April 1986 by the European Council in Strasbourg.

According to Article 1 of the Convention, European non-governmental organizations shall comply with the following criteria: have a non-profit-making aim of international utility, have been established by an instrument governed by the internal law of a Party, shall carry on their activities with effect in at least two States, and have their statutory office in the territory of a Party and the central management and control in the territory of that Party or of another Party (European Convention on the Recognition...). The document pointed to the importance of such organizations especially to the value of work carried out to the international community, particularly in the fields of science, culture, charity, health and education.

2. CONSUMER NON-GOVERNMENTAL SECTOR IN EUROPEAN UNION

In the 1990s century the importance of the non-governmental sector within European politics increased, which resulted in the issue of acts stating that the opinions of non-governmental organizations should be considered in the politics of the European Union.

Vital for this matter was the 1993 Green Paper European Social Policy (Green Paper Commission of the European Communities …), and the White Paper European social policy - a way forward for the Union (White Paper Commission of the European Communities…). In those documents the non-governmental sector was mentioned for the first time on the European level. From that time the socialization aspect of European Integration was involved with the growth of the number of non-governmental organizations.
In the first document the key feature of the Commissions method of work in bringing forward proposals in the social field has been the practice of extensive consultation of the social partners such as NGO’s at various stages in both the conception of initiatives and the detailed drafting of texts. The role of the non-governmental organizations within the politics of the European Union was indicated in the White Papers. “In addition to seeking closer national interdepartmental cooperation efforts are needed to promote a broader partnership involving NGO’s, community bodies, local authorities, the social and economic partners and the private as well as the public sector to bring in new knowledge and expertise.”

The importance of the non-profit sector in the process of establishing the politics of the European Union shall be found in the treaties as the source of the primary legislation. Vital for that case shall be consultation with the social partners.

Article 3 Protocol on social Policy in the Treaty on European Union, signed at Maastricht on 7th February 1992 indicates that The Commission shall have the task of promoting the consultation of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring a balanced support for the parties.

In the Treaty of Amsterdam from 2nd October 1997, article 137 states that the Community shall support and complement the non-government activities of the Member States. Declaration 38 on voluntary service activities (non-binding) was included in the treaty. According to the declaration “The Conference recognizes the important contribution made by voluntary service activities to developing social solidarity. The Community will encourage the European dimension of voluntary organizations with particular emphasis on the exchange of information and experiences” (Treaty of Amsterdam...).

The major breakthrough for the significance of the consumer sector of non-governmental organizations in the politics of the Union was the Treaty of Nice. The Treaty introduced a record about the Economic and Social Committee. The European Economic and Social Committee (EESC) is an EU advisory body comprising representatives of workers’ and employers’ organizations and other interest groups.

According to Art. 257, “an Economic and Social Committee is hereby established. It shall have advisory status. The Committee shall consist of representatives of the various economic and social components of organized civil society, and in particular representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations, consumers and the general interest.” (Treaty of Nice…) In the Treaty of Nice organizations representing the consumer were described as advisory Bodies that shall cooperate with the Economic and Social Committee which issues opinions on EU issues to the European Commission, the Council of the EU and the European Parliament, thus acting as a bridge between the EU’s decision-making institutions and EU citizens. The EESC is consulted by the European Parliament, the Council of the EU and the European Commission on a variety of subjects. It also issues opinions on its own initiative (Ferretti, 371). The Committee is divided into three groups: employers, employees and other groups of interest including the representatives of the non-governmental organizations.

The opinion of the consumer non-governmental organizations is considered in the discussions on legal acts proposed by the European Commission. The Commission consults the decisions with the Economic and Social Committee and the non-governmental organizations are free to enter the discussion during the consultations of the Commission Directorate-General. During the consultations of the internal department of the Commission – Directorates-General, the Bodies and organizations exchange their views, suggest the
solutions, and listen to the opinions. The issues specifically include the European Commission Directorate-General for Justice and Consumers (JUST) and the Commission Directorate-General for Health and Food Safety (SANTE), which support the actions of the Commission for customer protection. Each Directorate has an individual approach to the matter of cooperation with the organizations and suggests a wide variety of the forms of cooperation that meet the requirements of the European Commission. The consumer non-governmental organizations generally play an informative role and provide appropriate people with the necessary knowledge. (Rules of Procedure of the Commission...).

Nowadays consumer NGO’s sectors in European Union are represented by scientific committees and independent consumer non-governmental associations and shall be called the dedicated voice of the consumer at national and Community level. Their educational, informational, and advisory form of activity that include a number of campaigns and initiatives, imply the necessity to set the relevant legal solutions. The biggest and the most influential non-governmental consumer organizations that work within the Union and cooperate with the decision making bodies include the Bureau Européen des Unions de Consommateurs (BEUC), The Confederation of Family Organizations (COFACE), The European Association for the co-ordination of Consumer Representation in Standardization (ANEC) and The European Community of Consumer Co-operatives (Euro Coop) (Huong, McGregor, 12).

The Consumers’ Consultative Council (CCC) was transformed into The Consumer Committee in 1995 and it performs the function of a kind of forum for the exchange of consumer opinions concerning the issues of information and consumer protection (Maier, 363). The CCC was active in forwarding optional proposals for action to the Commission. The Consumer Committee, appointed by the European Commission, consisting of 20 members. The new Committee, while only an advisory body, is consulted by the Commission on proposed initiatives that may have a bearing on consumer interests. (Urwin, 27).

European Consumer non-governmental organizations act according to the statute and the national and international civil law. Usually the main objective of all the associations is to bring together consumer organizations of the European Union and other European countries in order to promote, defend and represent the interests of European consumers in the elaboration and implementation of European Union policies with the European Union institutions and with other bodies ( BEUC Statues...).

3. CONCLUSIONS

Consumers, by definition, include every European citizen. They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision. That’s why the role of NGO’s is so important especially on international European level.

At the beginning the influential role of the consumer non-governmental organizations on the European legislation was indicated in the “Green Papers” and “White Papers”. The documents served as reports, gathering the information on a particular subject. They presented the current state of the particular issue and were helpful in the process of consultation between the EU institutions, member states and the citizens. It was only the Treaty of Nice that indicated the advisory role of the non-governmental organizations and stated that the
organizations shall cooperate with the Economic and Social Committee. The document showing the real role of consumer NGO’s both now and in the future in European Union policy is Regulation (EU) No 254/2014 of the European Parliament and of the Council of 26th February 2014 on a multiannual consumer programme for the years 2014-2020. [Regulation on a multiannual consumer programme...]. The document shows that in the years 2014-2020 the objective of providing the customers with a high level of protection should be completed. (art. 2). One of the specific tasks is to support consumer organizations, to improve consumers’ education, information and awareness of their rights, to develop the evidence base for consumer policy and to provide support to consumer organizations, including taking into account the specific needs of vulnerable consumers. The Union shall support through financing of Union-level consumer organizations and through the capacity building for consumer organizations at Union, national and regional level, increasing transparency and stepping up exchanges of best practices and expertise. The non-profit organizations may receive the Orly Union grants under specific conditions. Firstly, they are non-governmental, non-profit-making, independent of industry, commercial and business or other conflicting interests, and have as their primary objectives and activities the promotion and protection of the health, safety, economic and legal interests of consumers in the Union. Secondly they are mandated to represent the interests of consumers at Union level by organizations in at least half of the Member States that are representative, in accordance with national rules or practice, of consumers, and that are active at regional or national level.

To conclude, it is vital to show the increasing role of non-governmental consumer organizations in European Union. The growing importance of non-governmental organizations was also influenced by the idea of social dialogue.

I shall emphasize the fact that European integration influenced the integration of the consumer non-governmental organizations. The legal background of NGO’s in not impressive and is based on legally non-binding acts of secondary legislation. However, the acts are important as they create the standards of cooperation and point to the significant role of the non-governmental sector in the process of establishing consumer legislation.

References


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