

PARLIAMENT OF THE CZECH REPUBLIC
Chamber of Deputies
Committee for European Affairs

Resolution No. 292

53nd session on 1st September 2016

to the Proposal for a Regulation of the European parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws /COM(2016) 283 final, Council reference 9565/16/

Conclusions of the Resolution:

INFORMATIVE AND NON-BINDING TRANSLATION:

The Committee on EU Affairs:

1. Considered the Proposal for a Regulation of the European parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws, COM(2016) 283 final, Council reference 9565/16;
2. Generally welcomes the initiative of the EU Commission focusing on improving the efficient coordination and cooperation in the enforcement of the EU consumer protection laws;
3. Does not question a need to revise the current regulation considering the development of digital marketing and cross-border purchasing;
4. Is well aware of the fact that EU member states are not able to independently achieve the efficient enforcement of EU consumer protection laws in cross-border situations;
5. Takes into the consideration the fact that different national laws on consumer protection as well as borders of jurisdiction can hinder the efficient enforcement of the EU consumer protection laws in cross-border situations;
6. Comes however to the conclusion that some aspects of the proposal for a regulation are beyond the what is necessary to achieve declared objectives and therefore intervene into powers of member states;
7. **Adopts the reasoned opinion** pursuant to the article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, on the Proposal for a Regulation of the European parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws, considering the following arguments:
 - i. Establishing of binding “minimum powers” of competent authorities to the extent that is suggested in the proposal for a regulation goes beyond the powers conferred to the EU in the field of administrative cooperation where the EU should only support, coordinate or supplement the actions of the Member States;
 - ii. While introducing a list of minimum powers sufficient consideration has not been given to the legal tradition of member states and related questions of

consistency and uniformity of their national legal orders, which may lead to a situation when competent authorities have a different set of powers regarding the purely national and cross-border infringements of consumer protection laws;

- iii. Setting the limitation period of 5 years for the imposition of penalties in case when infringements have ceased before enforcement started or could be completed does not respect the national rules of member states on lapsing;
 - iv. Implementing powers conferred to the EU Commission in the proposal for regulation are too extensive and frequent and some of the relevant rules that are expected to be regulated by an implementing act shall rather be included directly into the wording of the proposal for regulation (ex. Article 10, par. 5, Article 11, par. 5, Article 12 par. 5). This situation hinders member states' possibility to influence the EU law in the fields covered by implementing powers;
 - v. Monitoring of national enforcement plans pursuant to the Article 46 of the proposal for regulation including a possibility for the EU Commission to give advice concerning the implementation of national enforcement plans and establishing of benchmarks as regards resources necessary for the implementation intervene with the powers of member states in the field of law enforcement beyond the what is necessary to meet the objectives of the proposal for a regulation;
8. Nominates the Chairman of the Committee on EU affairs to submit the reasoned opinion via the Chairman of the Chamber of Deputies to the Government, to the Chairman of the Senate, to the Chairman of the European Parliament, to the Chairman of the Council of the EU and to the Chairman of the European Commission, pursuant to the Rules of Procedures of the Chamber of Deputies.