

## III

(Notices)

## COMMISSION

## CONSUMER POLICY

## Call for proposals 2004

(2004/C 113/01)

## 1. Introduction

This document is a call for proposals for specific projects in connection with the implementation of Article 7(4) (Action 18) of Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007<sup>(1)</sup>. The call for proposals is open to projects from any of the 25 Member States of the European Union, the EFTA/EEA countries and Bulgaria and Romania, provided, in the case of the latter two, that all the conditions laid down in the bilateral agreements with Bulgaria and Romania have been met.

Any legal person or association of legal persons that acts independently of industry or commerce and wishes to submit proposals for specific projects in the subject areas described under point 4 of this call is invited to read carefully this document, the application form and the explanatory vade mecum, all of which are available at the following internet address:

[http://europa.eu.int/comm/consumers/tenders/information/grants/application\\_en.htm](http://europa.eu.int/comm/consumers/tenders/information/grants/application_en.htm)

## 2. Objectives

The consumer policy strategy for the period 2002 to 2006 contains three fundamental objectives:

- 'A high common level of consumer protection': the objective is to harmonise, by the most appropriate means, not only the safety of goods and services but also those aspects of consumers' economic interests which give consumers the necessary confidence to effect transactions anywhere in the EU and by any means,

- 'Effective enforcement of consumer protection rules': legislation is only good if it is correctly applied. Consumers must be guaranteed, in practice, the same protection throughout the EU, and all the more so in the enlarged Union,

- 'Proper involvement of consumer organisations in the development of Community policies': in order for consumer protection policies to be effective, consumers themselves must be given the opportunity to participate in the development of the policies that affect them.

These three objectives seek to integrate consumer problems into all the other Community policies, to make sure consumers derive maximum advantage from the single market and to prepare the European Union for enlargement.

This call for proposals sets out the general objectives of the consumer policy strategy, inviting proposals for specific projects in the subject areas specified at point 4 and offering 75 % co-financing for projects that involve consumer organisations from the new Member States, subject to the conditions specified at point 3.

## 3. Arrangements for Community funding

3.1. Financial support may be awarded to any project proposed by a legal person or association of legal persons that acts independently of industry and commerce (Cf. point 5: 'Eligibility criteria').

In principle, this financial support may not exceed 50 % of the expenditure incurred in carrying out eligible activities. This is the level of Community contribution that applies to all projects selected by the Commission which do not fall into any of the categories described at point 3.2.

<sup>(1)</sup> OJ L 5, 9.1.2004, p. 1.

3.2. However, Article 6(5) of Decision No 20/2004/EC allows a Community contribution of up to 75 % to be made towards the cost of the action for certain projects to be defined by the Commission.

For the period 2004 to 2007 the Commission proposes to give priority to projects involving consumer organisations in the new Member States, and more specifically:

- (a) projects proposed by consumer organisations in the new Member States aimed at speeding up the effective application of the *acquis communautaire* on consumer protection in the new Member States, and more particularly in the field of general product safety (cf. subject area 'General product safety' at point 4);
- (b) cooperation projects between consumer organisations that are active at national level in at least half of the Member States (i.e. 13), including at least half of the new Member States (i.e. 5). Priority will thus be given to major projects involving a large number of consumer organisations. The additional participation in these projects of legal persons other than consumer organisations is possible.

#### 4. Subject areas

The European Commission invites proposals for projects addressing the subject areas described below.

The projects proposed for each subject area must be compatible with the objectives and priorities set by the consumer policy strategy for the period 2002 to 2006<sup>(2)</sup>. The project results must be disseminated as widely as possible.

##### Competition

*Objective:* to integrate consumer interests into all the other Community policies.

If consumers are to be the ultimate beneficiaries of the competition policy, there is a need to examine the extent to which more account could be taken of their legitimate interests. To this end, the various Commission services concerned are in the process of setting up the necessary instruments in order to help ensure consumer interests are taken into account in the decisions to be taken. The Commission has also begun working on this subject in close cooperation with the relevant public authorities in the Member States.

If the objective is to be fully attained, consumer organisations also need to be tangibly involved in the implementation of the Community competition rules and need to develop lasting capacities allowing them to be genuine representatives of consumer interests.

*Themes:*

- In the anti-trust and merger control areas, collecting and analysing relevant data to identify consumer detriment and

other losses in consumer welfare in the following sectors: network services, the liberal professions or mass-market consumer goods.

- Education of consumer organisations in the economic assessment of the potential impact on consumers of decisions being formulated by competition authorities, including the consideration of possible 'efficiencies' accruing to consumers, and how most effectively to present these economic assessments to decision makers.

*Community financing:*

- 75 %, under the conditions specified in Chapter 3.2(b),
- 50 %, under the conditions specified in Chapter 3.1.

*Duration of projects:* up to 36 months

##### Protection of consumers' economic interests

*Objective:* to appraise the effective application of consumer protection rules and identify points that could be improved with a view to the revision of the existing EU legislation.

The consumer policy strategy for the period 2002 to 2006 provides for an examination of the existing Community legislation regarding the protection of consumers' economic interests. Alongside the analysis of the legal aspects, which will be performed by the relevant Commission services, the consumer organisations can help provide a clearer picture of the effective application of the *acquis communautaire* by analysing consumers' personal experiences.

The directives which the revision of the *acquis* will concern are the following:

- (1) Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises;
- (2) Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours;
- (3) Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts;
- (4) Directive 94/47/EC of the European Parliament and the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis;
- (5) Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts;
- (6) Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers;

<sup>(2)</sup> OJ C 102, 2.4.2002.

(7) Directive 99/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees;

(8) Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests.

*Theme:*

A project may address only one Directive at a time.

In the case of each of the first seven Directives listed above, the project must collect, analyse and compare the following data:

- content of consumer complaints,
- level of effective application of the legislation by the professionals concerned,
- involvement of the authorities in charge of monitoring application of the legislation,
- interpretation of the legislation by national courts,
- changes in the market since the adoption of the Directive (offers made to consumers, commercial practices, etc.).

In the case of the Directive on injunctions, the project must collect, analyse and compare cases where injunctions have been applied and identify any difficulties that have been encountered in applying them.

*Community financing:*

- 75 %, under the conditions specified in Chapter 3.2(b),
- 50 %, under the conditions specified in Chapter 3.1.

*Duration of projects:* up to 24 months

**General product safety**

objective: to help speed up the effective application of the *acquis communautaire* in the new Member States, and more particularly of Directive No 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety.

*Theme:*

Identification at national level of shortcomings in the application of legislation, chiefly by identifying very specifically the practical problems faced by consumers. Following this, launching of campaigns to raise awareness among the various stakeholders (the relevant professionals, the authorities in charge of monitoring application of the legislation) and informing consumers in order to improve their vigilance.

*Community financing:*

75 %, under the conditions specified in Chapter 3.2(a).

*Duration of projects:* up to 24 months

**Safety of services**

*Objective:* to contribute towards the adoption of a high level of protection for consumers.

There is no general Community-wide legal framework covering the safety of services offered to consumers. The Council and the European Parliament have asked the Commission to identify the needs, possibilities and priorities for Community action in the field of safety of services and, if applicable, to submit proposals.

On the ground, the various organisations concerned, especially the consumer organisations, have an essential role to play in detecting the level of safety offered to consumers, informing consumers of any risks and introducing practical risk assessment tools.

*Themes:*

- Monitoring and assessing the safety of services offered to consumers in the tourism, sport and leisure sectors.
- Informing consumers and making them more aware of the risks associated with certain sports and certain leisure activities.
- Developing guides, protocols and checklists for risk assessment in the tourism, sport and leisure sectors.

*Community financing:*

- 75 %, under the conditions specified in Chapter 3.2(b),
- 50 %, under the conditions specified in Chapter 3.1.

*Duration of projects:* up to 36 months

**Services of general interest**

*Objective:* to integrate consumer interests into other Community policies.

The policy of liberalisation of services of general interest is intended to improve the functioning of these services, for the benefit of consumers and of all the economic operators.

In order to ensure that the market in services of general interest functions smoothly, the liberalisation directives have generally provided for the setting up of national regulatory authorities (NRAs) for markets. This has been the case for telecommunications, postal services, air transport, electricity and gas.

The Green Paper of May 2003 on services of general interest underlines the importance of the NRAs for consumers: 'Particularly important from a consumer or user perspective is the role regulators often play in developing and implementing binding standards of security and quality of service. These are important in terms of meeting expectations with regard, *inter alia*, to access choice, transparency (including on price), affordability, quality, safety, security and reliability. Adequate redress mechanisms for consumers and users are essential where operators fail to meet standards in this respect.'

The NRAs also have an important role to play in ensuring the viability of the principle of universal service, which embraces aspects such as access, quality and affordability.

In the area of services of general interest, the consumer policy strategy for the period 2002 to 2006 aims to involve consumer organisations in monitoring and assessing the results of the policy on services of general interest. It is therefore essential that the NRAs take full account of the consumer associations in their activities.

#### Theme:

Taking into account of consumer interests by the NRAs

In one or more of the following sectors: gas, electricity, postal services, telecommunications, air transport, the contractor should:

- list the NRAs' powers concerning consumer protection problems in the broadest sense. Establish comparisons between Member States: do all the NRAs take equal account of consumers? Have the consumer organisations been given a role to play?
- assess and compare the quality and added value of the measures taken by the NRAs to benefit consumers. Collect concrete examples. Identify examples of good practice and any shortcomings,
- produce concrete recommendations to ensure the NRAs take more account of consumer issues.

#### Community financing:

- 75 %, under the conditions specified in Chapter 3.2(b),
- 50 %, under the conditions specified in Chapter 3.1.

Duration of projects: up to 24 months

### 5. Evaluation criteria

To be deemed admissible, project proposals must meet all the criteria set out below (eligibility, selection and award criteria).

In defining the selection and award criteria the Commission shall be assisted by an advisory committee composed of representatives of the Member States (see Article 15 of Decision No 20/2004/EC).

### Eligibility criteria

Article 7(4) of Decision No 20/2004/EC stipulates that the financial contributions for action 18 may be awarded to any legal person or association of legal persons, including appropriate independent public bodies and regional consumer organisations, that acts independently of industry and commerce and is actually responsible for the implementation of the projects.

Point 3 of this call for proposals specifies, for each subject area, the types of organisations which will be given priority.

To be eligible, the applicant organisation must not be in any of the situations of exclusion listed in Articles 93 and 94 of the Financial Regulation.

As proof of eligibility, the applicant must furnish, in support of his application, a copy of his organisation's articles of association, a copy of the organisation's statutory registration certificate and an attestation of non-exclusion.

### Selection criteria

The selection criteria are used to (a) evaluate the applicant organisation's financial and operational capacity to complete the proposed action and (b) verify that the applicant has stable financial resources that will be adequate to guarantee the pursuance of the activities throughout the duration of the project.

The applicant must furnish information on the organisation's qualifications and professional experience, notably in the form of its most recent activity report, the curriculum vitae of the project manager and, if applicable, references to the organisation's participation in actions financed by the European Commission, agreements or contracts concluded with other international organisations or Member States.

As evidence of his financial capacity, the applicant must provide the following:

- a copy of the organisation's annual accounts for the last financial year for which the accounts have been closed preceding the submission of the application,
- a certificate showing that the organisation has own resources,
- a declaration signed by the partners who will be contributing to the project funding,
- a bank ID form,
- a detailed forward budget (included in the application form),
- an external audit report produced by an approved auditor where the amount to be funded is more than EUR 300 000, for each beneficiary (each partner in the project).

**Award criteria**

After applying the selection criteria, the Commission will make its selection on the basis of two types of criteria which will enable it to verify the quality of the proposed activity and the quality of the application.

To be eligible for selection, projects must comply with the two criteria relating to the quality of the activity and must achieve a total score of at least 70 % in the assessment of the quality of the application.

*Quality of the proposed activity*

The aim here is to assess the value of the project.

The project must:

- have a European dimension: how does the project contribute to European consumer policy as defined in the Strategy for 2004 to 2006 and Decision No 20/2004?
- be consistent with other Community programmes and initiatives: the project must not come under another programme.

*Quality of the application*

The aim here is to assess the structure of the project.

Each criterion must be met and the minimum score is at least 50 % of the points in each case.

The project must:

- demonstrate effective and balanced cooperation between the various partners in respect of planning and implementing activities and financial participation (20 %),
- support the development of sustainable transnational cooperation, particularly through the exchange and shared use of experience (10 %),
- have a good cost-effectiveness ratio: consistency between the budget and the resources deployed (20 %),
- be based on a clear and realistic programme of work (30 %): the organisation of the activity must be well detailed, particularly with regard to the following aspects:
  - clarity of objectives and suitability for achieving the desired results,
  - schedule for the activity,
  - proposed methodology,
- provide for the most extensive possible dissemination of the results (10 %): all proposals must contain a plan indicating the scope and effectiveness of dissemination,
- provide for an assessment method to verify that the objectives defined at the outset have been attained (10 %).

For projects from consumer organisations in the new Member States aimed at speeding up the effective application of the

*acquis communautaire* in the area of product safety in the new Member States, only the following award criteria need be met:

- have a good cost-effectiveness ratio: consistency between the budget and the resources deployed (20 %),
- be based on a clear and realistic programme of work (50 %): the organisation of the activity must be well detailed, particularly with regard to the following aspects:
  - clarity of objectives and suitability for achieving the desired results,
  - schedule for the activity,
  - proposed methodology,
- provide for the most extensive possible dissemination of results (20 %): all proposals must contain a plan indicating the scope and effectiveness of dissemination,
- provide for an assessment method to verify that the objectives defined at the outset have been attained (10 %).

**6. Submission of applications**

The application dossier must include:

- the grant application form (available from the following address:
 

[http://europa.eu.int/comm/consumers/tenders/information/grants/application\\_en.htm](http://europa.eu.int/comm/consumers/tenders/information/grants/application_en.htm)),
- the supporting documents referred to in the form,
- an outline of the proposed project, including a work programme.

The budget proposed must include, if applicable, the costs of producing English or French translations of the reports required to be submitted to the Commission, i.e. the interim report during the course of the project and the final report upon completion.

Only fully complete application dossiers will be considered.

The complete application dossier may be drafted in any one of the 20 official languages of the European Union, with the exception of the summary, which must be in either English or French.

Applicants intending to submit more than one project proposal must complete and submit a separate application dossier for each.

The complete application dossier must be sent by post in triplicate to the following address:

European Commission  
 Directorate-General for Health and Consumer Protection  
 B 232 6/50  
 B-1049 Brussels

Applications must be postmarked on or before 13 July 2004. Proposals sent by express courier service or delivered by hand must arrive by 17.00 Brussels time on 13 July 2004 at the latest.

The completed application form and the summary must also be submitted in Word format, either by e-mail to the following address: [sanco.unit.b1@cec.eu.int](mailto:sanco.unit.b1@cec.eu.int), or on floppy disk or CD-ROM to the postal address specified above, the same deadlines applying.

#### **7. Selection and approval**

After receiving the specific project proposals the Commission will have three months in which to select the projects which

are to receive financial support based on the assessment criteria and conditions specified in this notice. The Commission decision will lead to the conclusion of a contract with the beneficiary responsible for implementing the project, covering the rights and obligations of the contracting parties. The project may begin as soon as the contract has been signed.

Applicants will be informed individually in writing of the decision(s) pertaining to their application(s).

The Commission will publish in the *Official Journal of the European Union* a list of the beneficiaries and projects funded under this call for proposals, together with an indication of the amount of funding awarded.

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