******

**EN**

***European Economic and Social Committee***

**Section for the Single Market, Production and Consumption**

|  |  |  |
| --- | --- | --- |
|  |  | **INT/754****Self-regulation and co-regulation** |

**Appendix II**

**Self-regulation and co-regulation in the Community legislative framework**

**Rapporteur working alone: Mr Jorge Pegado Liz**

**Prepared by: Ms Pia Burghartz**

|  |  |  |  |
| --- | --- | --- | --- |
| **Legislative Act** | **Key words** | **Objective(s) & Type of Instrument(s)** | **Possible Follow-up** |
| REGULATION (EC) No 852/2004 OF THE EUROPEAN PARLIAMENTAND OF THE COUNCILof 29 April 2004on the hygiene of foodstuffs | Having regard to the Treaty establishing the European Community, and in particular Articles 95 and 152(4)(b) thereof, Having regard to the proposal from the Commission 1,Having regard to the Opinion of the Economic and Social Committee 2,Having consulted the Committee of the Regions,Acting in accordance with the procedure laid down in Article 251 of the Treaty 3,1Whereas:(11) The application of hazard analysis and critical control point (HACCP) principles to primary production is not yet generally feasible. However, guides to good practice should encourage the use of appropriate hygiene practices at farm level. Where necessary, specific hygiene rules for primary production should supplement these guides. It is appropriate for the hygiene requirements applicable to primary production and associated operations to differ from those for other operations.(13) Successful implementation of the procedures based on the HACCP principles will require the full cooperation and commitment of food business employees. To this end, employees should undergo training. The HACCP system is an instrument to help food business operators attain a higher standard of food safety. The HACCP system should not be regarded as a method of self-regulation and should not replace official controls.(15) The HACCP requirements should take account of the principles contained in the Codex Alimentarius. They should provide sufficient flexibility to be applicable in all situations, including in small businesses. In particular, it is necessary to recognise that, in certain food businesses, it is not possible to identify critical control points and that, in some cases, good hygienic practices can replace the monitoring of critical control points. Similarly, the requirement of establishing "critical limits" does not imply that it is necessary to fix a numerical limit in every case. In addition, the requirement of retaining documents needs to be flexible in order to avoid undue burdens for very small businesses.CHAPTER IGENERAL PROVISIONSArticle 1Scope1. This Regulation lays down general rules for food business operators on the hygiene of foodstuffs, taking particular account of the following principles:(d) general implementation of procedures based on the HACCP principles, together with the application of good hygiene practice, should reinforce food business operators' responsibility;(e) guides to good practice are a valuable instrument to aid food business operators at all levels of the food chain with compliance with food hygiene rules and with the application of the HACCP principles;Article 8National guides1. When national guides to good practice are developed, they shall be developed and disseminated by food business sectors:(b) having regard to relevant codes of practice of the Codex Alimentarius; andArticle 9Community guides1. Before Community guides to good practice for hygiene or for the application of the HACCP principles are developed, the Commission shall consult the Committee referred to in Article 14.The objective of this consultation shall be to consider the case for such guides, their scope and subject matter.2. When Community guides are prepared, the Commission shall ensure that they are developed and disseminated:(c) having regard to relevant codes of practice of the Codex Alimentarius; andCHAPTER IIIGUIDES TO GOOD PRACTICEArticle 7Member States shall encourage the development of national guides to good practice for hygiene and for the application of HACCP principles in accordance with Article 8. Community guides shall be developed in accordance with Article 9.The dissemination and use of both national and Community guides shall be encouraged.Nevertheless, food business operators may use these guides on a voluntary basis.Article 8National guides1. When national guides to good practice are developed, they shall be developed and disseminatedby food business sectors:5. Guides to good practice drawn up under Directive 93/43/EEC shall continue to apply after the entry into force of this Regulation, provided that they are compatible with its objectives.Article 9Community guides1. Before Community guides to good practice for hygiene or for the application of the HACCP principles are developed, the Commission shall consult the Committee referred to in Article 14.The objective of this consultation shall be to consider the case for such guides, their scope and subject matter.2.CHAPTER VEQUIPMENT REQUIREMENTS3. Where chemical additives have to be used to prevent corrosion of equipment and containers, they are to be used in accordance with good practice.Annex 1PART B: RECOMMENDATIONS FOR GUIDES TO GOOD HYGIENE PRACTICE1. National and Community guides referred to in Articles 7 to 9 of this Regulation should contain guidance on good hygiene practice for the control of hazards in primary production and associated operations.2. Guides to good hygiene practice should include appropriate information on hazards that may arise in primary production and associated operations and actions to control hazards, including relevant measures set out in Community and national legislation or national and Community programmes. Examples of such hazards and measures may include:CHAPTER IGENERAL REQUIREMENTS FOR FOOD PREMISES (OTHER THAN THOSE SPECIFIED IN CHAPTER III)2. The layout, design, construction, siting and size of food premises are to:(c) permit good food hygiene practices, including protection against contamination and, in particular, pest control; andCHAPTER IISPECIFIC REQUIREMENTS IN ROOMS WHERE FOODSTUFFS ARE PREPARED, TREATED OR PROCESSED (EXCLUDING DINING AREAS AND THOSE PREMISES SPECIFIED IN CHAPTER III)1. In rooms where food is prepared, treated or processed (excluding dining areas and those premises specified in Chapter III, but including rooms contained in means of transport) the design and layout are to permit good food hygiene practices, including protection against contamination between and during operations. In particular:<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1415885781886&uri=CELEX:32004R0852> | Objective(s)Articles 7 to 9 of Regulation 852/2004 on the hygiene of foodstuffs, encourages private stakeholders´ organisations to establish guides to good practice for food hygiene as well as guides on application of principles of Hazard Analysis and Critical Control Point (HACCP), both on the national level (if necessary) and at the EU level. The purpose of these guides is to facilitate the practical implementation of food hygiene requirements in different establishments.EU guides are often more general and may be directly applied or serve as a framework for more specific national guides.Type of Instrument(s)Guidelines, codes of conduct and good practices<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=154> | DG Health and Consumers Guidance document on the implementation of certain provisions of Regulation (EC) No 852/2004 on the hygiene of foodstuffs<http://trade.ec.europa.eu/doclib/docs/2013/june/tradoc_151371.pdf> |
| Voluntary Industry Agreement to improve the energy consumption of Complex Set Top Boxes within the EUProposal from the industry group, Version 3.02nd September 2011 | 1 INTRODUCTIONThis Voluntary Agreement provides a complete and adequate alternative to an implementing measure in the context of the Ecodesign Directive, which provides that priority should be given to alternative courses of action such as self-regulation by the industry.(p.3)<http://www.eesc.europa.eu/resources/docs/150-ener-2010---for-new-db_voluntary_industry_agreement_cstb.pdf> | Objective(s)The objective is to lay down ecodesign requirements for complex set top boxes placed on the EU market.Type of Instrument(s)The voluntary agreement on complex set top boxes is considered as valid alternative to Comission mandatory regulation. It has been recognised in the Report of the Commission to the Parliament and the Council COM 2012 (684)<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=150> | DIF Q&A On the Industry Voluntary Agreement to improve the energy consumption of Complex Set Top Boxes<http://www.difgroup.eu/uploads/FAQ%20VA%20Complex%20STBs%20FINAL.pdf> CONSUMER INTERESTS IN ECO-DESIGN OF COMPLEX SET TOP BOXES - COMMENTS ON THE PROPOSAL FOR A VOLUNATRY INDUSTRY AGREEMENT<http://www.anec.eu/attachments/ANEC-PT-2009-EuP-054final.pdf> |
| INDUSTRY VOLUNTARY AGREEMENT TO IMPROVE THEENVIRONMENTAL PERFORMANCEOF IMAGING EQUIPMENT PLACED ON THE EUROPEAN MARKETVA v.4 – 3 December 2012(Including style changes based on agreed VA v.3.5 – 15 February 2011) | 2 Objectives2.2 Contribute to the objectives of Directive 2009/125/EC establishing a framework for the setting ofecodesign requirements for energy-related products, in line with Recitals 18-21 Article 17 and Annex VIII on self-regulation measures.2.3 Ensure the involvement of all stakeholders represented in the Consultation Forum in monitoring of the results and updating the requirements of the Voluntary Agreement. (p.4)5 Commitments Part II – Information RequirementsSignatories commit to:5.1 Environmental information for end-users in relation to use and end-of-life5.1.1 Resource- and energy-efficiencyFor new models introduced after 1 January 2012, Signatories commit to providing end-users with information regarding resource efficiency when using imaging equipment. The intent is to ensure the enduser is made aware of good efficiency practices when they first begin to use a new product. Signatoriesshall achieve this through one of the following methods:A pop-up screen on the end-users’ computer during the initial installation of software (preferred)An insertion sheet provided in/on the box of the product as defined in Section 3 above. An information sheet to be provided at the time of sale of the product as defined in Section 3 above. The following information shall be provided as a minimum7 where applicable: (p.7)<http://www.eesc.europa.eu/resources/docs/149-ener-2009----for-new-db_imaging-equipment.pdf> | Objective(s)The objective is to lay down ecodesign requirements for imaging equipment placed on the EU market.Type of Instrument(s)The voluntary agreement on imaging equipment is considered as valid alternative to Commission mandatory regulation. It has been recognised in the Report from the Commission to the European Parliament and the Council on the voluntary ecodesign scheme for imaging equipment (COM (2013) 23 of 29/01/2013)<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=149> | ANEC/BEUC position on the revision of the Ecodesign voluntary agreement on “Imaging Equipment” European consumer organisations comments on the draft proposal v.5.0 of December 2013<http://www.anec.eu/attachments/ANEC-PT-2014-ErP-003.pdf>European Commission backs Industry's Voluntary Agreement on Ecodesign of Imaging Equipment<http://envirocentre.ie/News.aspx?ID=79D21E24-862B-4685-A66A-2D7059FB72E2&PID=a257bece-c1e7-464a-9cd0-fde10d3a18c3&NID=076282da-ae99-49ca-8f65-21a3ccd5fdc3&M=2> |
| CODE OF CONDUCT FOR EUROPEAN SURVEYORSissued by the Council of European Geodetic Surveyors –Geometer Europas (CLGE - GE) | Article 2General Principles1. European Surveyors and their employees respect and comply with all European and national laws, regulations, technical rules, accepted standards, norms and codes of practice appropriate to and required by their profession, and in relation to the services which they undertake to perform.(p.2)<http://www.eesc.europa.eu/resources/docs/137-private-act.pdf> | Objective(s)Improve and harmonize the quality of professional services provided by Surveyors in Europe.Type of Instrument(s)Unilateral code of conduct.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=137> |  |
| F.E.D.I.A.F. Guide to good practice for the manufacture of safe pet foodsEuropean Pet Food Industry Federation (FEDIAF), Guide to good practice for the manufacture of safe pet foods (Revision 8) | 183/2005/EC: Regulation of the European Parliament and the Council laying down requirements for feed hygiene • Registration of all establishments manufacturing pet food • Approval of establishments • Minimum manufacturing conditions requirements with regards to facilities & equipment, personnel, production, quality control, storage, and register, which must be fulfilled by the pet food manufacturer. • HACCP implementation mandatory. • Conditions and arrangements ensuring full traceability of feed materials and compound feed. • Voluntary Industry Guides.  <http://www.eesc.europa.eu/resources/docs/132-private-act.pdf> | Objective(s)To ensure that pet food is fit and safe for the purpose of feeding pets, whilst at the same time meeting the relevant requirements of European legislation.Type of Instrument(s)Guide to good practice. The first guide was established in 2001<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=132> | GOOD PRACTICESFOR THE FEED INDUSTRYImplementing the Codex AlimentariusCode of Practice on Good Animal Feeding<http://www.fao.org/docrep/012/i1379e/i1379e.pdf> |
| European Code of Practice For Feed Additive and Premixture OperatorsFAMI-QS | INTRODUCTIONThis European Code of Practice for Animal Feed Additive and Premixture Operators (‘Code’) responds to the Regulation of the European Parliament and the Council laying down requirements for feed hygiene, (183/2005/EC), articles 20 to 22 of which encourage the development of guides to good practice for hygiene and the application of HACCP principles.Running side by side FAMI-QS Asbl has developed a parallel and independent certification system that is described in the Process Description document. Participation in the FAMI-QS auditable system is based on voluntary commitment(p.1)<http://www.eesc.europa.eu/resources/docs/131-private-act.pdf> | Objective(s)The aim of the guide is to ensure safety of feed additives and pre-mixtures by:- Minimising the risk, that adulterated feed additives and pre-mixtures enter the feed chain;- Enabling an operator to implement the objectives of the feed hygiene regulation 183/2005/EC;- Providing measures to ensure that other applicable feed safety regulatory requirements are met.Type of Instrument(s)Guide / Code of Practice.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=131> | Code of Practice for the Application of the Labelling Rules laid down in Regulation (EC) No 1831/2003 for Feed Additives and Premixtures<http://www.fefac.eu/files/36438.pdf> |
| European Trade Union Confederation (ETUC), Union of Industrial and Employers' Confederations of Europe (UNICE), European Association of craft small and medium-sized enterprises (UAEPME), European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP) | 1. Framework agreement on work-related stress7. Implementation and follow-upIn the context of article 139 of the Treaty, this voluntary European framework agreement commits the members of UNICE/UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) to implement it in accordance with the procedures and practices specific to management and labour in the Member States and in the countries of the European Economic Area.<http://www.eesc.europa.eu/resources/docs/112-private-act.pdf>2. Official Journal of the European Union, Volume 53 30 March 2010TITLE X SOCIAL POLICYArticle 160— to promote exchanges of information, experience and good practice between Member States and with the Commission,(C 83/118)TITLE XXII TOURISM Article 195(b) Promoting cooperation between the Member States, particularly by the exchange of good practice.(C 83/135)<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2010:083:SOM:EN:HTML>3. Implementation of the ETUC1/UNICE-UEAPME/CEEPFramework agreement on Work-related Stress2Yearly Joint Table summarising ongoing social partners activitiesBulgariaBulgarian industrial association has developed questionnaires for collection and analysis of primary information for appraisal of work related stress on a company level, which are applied within the frame of our long-term programme for OSH training of Employers and their representatives in safety committees and safety groups since 2005. On this basis and in accordance with the established levels of stress at work, measures and services for elaboration of company-based programs for stress limitation are offered to individual employers, which have a voluntary character and could be implemented at company level by decision of the company’s management body and funded by their own financial resources.DenmarkThe Private Sector• The social partners in the private sector in Denmark are currently negotiating the implementation of the voluntary agreement on stress.ItalyThe Italian Trade Union members of ETUC and the Employers' Organizations members of UNICE, UEAPME and of CEEP give great importance to the social dialogue method which has brought to the Agreement on work related stress drafted on a voluntary basis and executed at European level on October 8, 2004.<http://www.eesc.europa.eu/self-and-coregulation/documents/codes/private/112a-private-act.pdf> | Objective(s)Community law and national legislation in this area show that action at Community level is necessary with a view to ensuring a minimum level of protection of workers against work-related stress".The social partners' agreement states the following objectives:- to increase the awareness and understanding of employers, workers and their representatives of work-related stress, draw attention to signs that could indicate problems of work-related stress;- to provide employers and workers with a framework to identify and prevent or manage problems of work-related stress.Type of Instrument(s)Commission consultation (first phase): "The gaps in Framework agreement (EU social dialogue text - autonomous agreement, see COM(2004) 557) <http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en>. The EU social partners pursued an autonomous dialogue following the process of social dialogue but resulting in 'new generation agreements or autonomous agreements'. These are not transposed into legal acts and therefore do not fall in the remit of traditional social dialogue. Autonomous agreements or new generation agreements are implemented by the procedures and practices specific to management, labour and the Member States.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=112> |  |
| The Sectoral Social Dialogue Committee for Telecommunications | 1. IMPLEMENTATION OF THE EUROPEAN FRAMEWORK AGREEMENT ON TELEWORK - REPORT BY THE EUROPEAN SOCIAL PARTNERSADOPTED BY THE SOCIAL DIALOGUE COMMITTEE ON 28 JUNE 20063 VOLUNTARY CHARACTERTelework is voluntary for the worker and the employer concerned. Teleworking may be required as part of a worker’s initial job description or it may be engaged in as a voluntary arrangement subsequently…(p. 16)DISSEMINATION ACTIVITIESNATIONAL DISSEMINATION ACTIVITIESIn for example, the Czech Republic and Greece, social partners informed their respective members through their internal newsletters. Similar dissemination activities took place in Finland, the UK, Germany orLatvia. They concerned both the EU and the national agreements and included articles in newsletters, organisation of special seminars and conferences, Internet information, etc. In addition, Spanish social partners organised seminars and agreed to publish different studies on telework in their country. Dutch employers made a brochure entitled “Telework, something for you?” to promote good practices in companies with regard to the introduction of telework. They also decided to engage at the highest decisionmaking level in a Foundation called the Telework Forum, which aims at stimulating telework in the Netherlands. Dutch trade unions have also developed a range of activities to promote the take-up of telework as an issue in collective bargaining. In Sweden, dissemination activities have taken place both at national and sectoral level, with the aim to inform employers of the provisions of the framework agreement so as to serve as guidance when concluding an individual agreement on telework. In Denmark, the trade union LO prepared a “paper of understanding” for use by their members in collective bargaining. In Latvia, further information activities targeting a wider audience (society at large as well as public authorities) are planned for the future.(p.5)THE CHOICE OF INSTRUMENTS: RANGING FROM SOCIAL PARTNER AGREEMENTS TO TRIPARTITE ACTIVITIES GUIDES AND CODES OF GOOD PRACTICE (p.12)<http://www.eesc.europa.eu/resources/docs/107-private-act.pdf>2. Official Journal of the European Union, Volume 53 30 March 2010Article 1651. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity. The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function.(C 83/120)Article 160— to promote exchanges of information, experience and good practice between Member States and with the Commission,(C 83/118)Article 195(b) promoting cooperation between the Member States, particularly by the exchange of good practice.(C 83/135)<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2010:083:SOM:EN:HTML> | Objective(s)Commission consultation (second phase): "The Commission considers it necessary to lay down guidelines, which should be the subject of a Community instrument, formalising the practice of telework without hindering its development". The intention of the social partners' agreement is to define a general framework for the use of telework in such a way as to meet the needs of employers and workers. The agreement identifies the key areas requiring adaptation or particular attention when people work away from the employer's premises, for instance data protection, privacy, health and safety, organisation of work, training, etc. Three main objectives of the social partners' agreement: - improve the quality of telework;- provide teleworkers with the necessary protection;- promote voluntary telework.Type of Instrument(s)Autonomous agreement (see COM(2004) 557)(EU social dialogue text) <http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en> The EU social partners pursued an autonomous dialogue following the process of social dialogue but resulting in 'new generation agreements or autonomous agreements'. These are not transposed into legal acts and therefore do not fall in the remit of traditional social dialogue. Autonomous agreements or new generation agreements are implemented by the procedures and practices specific to management, labour and the Member States.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=107> |  |
| The European Regulators' Group for electricity and gas (ERGEG), European Gas Regulatory Forum (Madrid Forum) Guidelines for Good Third Party Access Practice for Storage System Operators (GGPSSO) | Guidelines for Good TPA Practice for Storage System Operators(GGPSSO)23 March 20055. Confidentiality requirementsb. no information available to the SSO concerning its storage business shall be passed to other parts of any affiliate of the company in advance of being providedto all market participants; staff working for any affiliate business (e.g. supply) must have no access to information which could be commercially advantageous, such as details on actual or potential storage users, and is not made available to all market parties. The arrangements to implement this requirement should include a code of conduct for staff and a compliance programme, supervised by a Compliance Officer;c. if supply and storage are part of an integrated company, regardless of the internal structure of the company, or when there are no separate computer systems, specific confidentiality duties must be clearly defined. It shall be incumbent upon the companies concerned, upon request of the relevant national regulatory authority, to prove an effective establishment of firewalls between the SSO and the supply branch of the vertically integrated company. The arrangements to implement the above requirements should include a code of conduct for staff (including a compliance programme), supervised by a Compliance Officer;(p.5,6)<http://www.eesc.europa.eu/resources/docs/105-private-act.pdf> | Objective(s)Article 19 of Directive 2003/55/EC provides that Member States may choose between regulated and negotiated access to storage. "In the case of negotiated access, Member States shall take the necessary measures for natural gas undertakings and eligible customers either inside or outside the territory covered by the interconnected system to be able to negotiate access to storage and linepack, when technically and/or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services." The GGPSSO lay down qualitative minimum requirements to be implemented by storage operators in order to allow access to storage facilities in line with Article 19 of Directive 2003/55/EC.Type of Instrument(s)Voluntary non-binding agreement.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=105> | Amendment of the Guidelines of Good Practice for Third Party Access (TPA) for Storage System Operators (GGPSSO) Guidelines for CAM and CMP Ref: C11-GST-15-03 14 July 2011<http://www.ceer.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Gas/Tab/C11-GST-15-03_amdt%20GGPSSO%20on%20CAM%20and%20CMP_14-July-2011.pdf>Public Consultation on the Guidelines for Good Third Party Access Practice for LNG System Operators (GGPLNG)ConclusionsRef: E08-LNG-06-037 May 2008<http://ec.europa.eu/energy/gas/madrid/doc-14/3.0.1.pdf>Proposal for aREGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCILamending Regulation (EC) No 1775/2005 on conditions for access to the natural gastransmission networks<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52007PC0532&from=EN>ERGEG Final 2006 Report onMonitoring the Implementation of theGuidelines for Good TPA Practice forStorage System Operators (GGPSSO)Ref: E06-GFG-20-036 December 2006<http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_PAPERS/Gas/2006/E06-GFG-20-03_GGPSSO_MonitoringImplementation_2006-12-06.pdf> |
| Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’) | No link | Objective(s)The Directive 2005/29/EC aims to clarify consumers' rights and boost cross-border trading by harmonising EU rules on business-to-consumer commercial practices. The new legislation outlines "sharp practices" which will be prohibited throughout the EU, such as pressure selling, misleading marketing and unfair advertising. Certain rules on advertising to children are also set out. The Directive recognises codes of conduct as a way to promote fair business practices. "It is appropriate to provide a role for codes of conduct, which enable traders to apply the principles of this Directive effectively in specific economic fields. In sectors where there are specific mandatory requirements regulating the behaviour of traders, it is appropriate that these will also provide evidence as to the requirements of professional diligence in that sector. The control exercised by code owners at national or Community level to eliminate unfair commercial practices may avoid the need for recourse to administrative or judicial action and should therefore be encouraged. With the aim of pursuing a high level of consumer protection, consumers' organisations could be informed and involved in the drafting of codes of conduct. "The Directive does not exclude the control, which Member States may encourage, of unfair commercial practices by code owners and recourse to such bodies by the persons or organisations referred to in Article 11 if proceedings before such bodies are in addition to the court or administrative proceedings referred to in that Article. Recourse to such control bodies shall never be deemed the equivalent of foregoing a means of judicial or administrative recourse as provided for in Article 11." (Article 11 concerns the enforcement at MS level). The initial proposal allowed for the use of codes of conduct as an alternative to legislative acts as a mean of implementation strategy at MS level. However, the final version of the Directive does not provide for that.Type of Instrument(s)Code of conduct<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=91> |  |
| Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene | No link | Objective(s)Articles 21 and 22 of Regulation 183/2005 laying down requirements for feed hygiene encourage private stakeholders´ organisations to establish guides to good practice in the animal feed sector as well as guides on application of principles of Hazard Analysis and Critical Control Point (HACCP), both at national level (if necessary) and at Community level. The purpose of these guides is to facilitate the practical implementation of feed hygiene requirements in different establishments.EU guides are often more general and may be directly applied or serve as a framework for more specific national guides.Type of Instrument(s)Guidelines, codes of conduct and good practices<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=90> | 2013 No. 3207 (W. 317)AGRICULTURE, WALESThe Feed (Hygiene andEnforcement) and the Animal Feed(Wales) (Amendment) Regulations2013[http://www.assembly.wales/Laid%20Documents/SUB-LD9600%20-%20The%20Feed%20(Hygiene%20and%20Enforcement)%20and%20the%20Animal%20Feed%20(Wales)%20(Amendment)%20Regulations%202013-19122013-252615/sub-ld9600-e-English.pdf](http://www.assembly.wales/Laid%20Documents/SUB-LD9600%20-%20The%20Feed%20%28Hygiene%20and%20Enforcement%29%20and%20the%20Animal%20Feed%20%28Wales%29%20%28Amendment%29%20Regulations%202013-19122013-252615/sub-ld9600-e-English.pdf)Final reportEFTA Surveillance Authority mission toICELANDfrom 31 January to 4 February 2011regarding the application of EEA legislation related tofeed hygiene<http://www.eftasurv.int/media/reports/Final_report_-_Mission_to_Iceland_on_feed_hygiene-2011.pdf> |
| Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety | No link  | Objective(s)The Directive 2001/95/EC aims to: Develop European standards on product safety; Define how to assess safety in the absence of European standards, including codes of good practices. ("With regard to the aims of this Directive (i. e. product safety), European standards should be established by European standardisation bodies, under mandates set by the Commission assisted by appropriate Committees. In order to ensure that products in compliance with the standards fulfil the general safety requirement, the Commission assisted by a committee composed of representatives of the Member States, should fix the requirements that the standards must meet. These requirements should be included in the mandates to the standardisation bodies. In the absence of specific regulations and when the European standards established under mandates set by the Commission are not available or recourse is not made to such standards, the safety of products should be assessed taking into account in particular national standards transposing any other relevant European or international standards, Commission recommendations or national standards, international standards, codes of good practice, the state of the art and the safety which consumers may reasonably expect. Appropriate independent certification recognised by the competent authorities may facilitate proof of compliance with the applicable product safety criteria.")Type of Instrument(s)Standards, codes of conduct, etc.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=83> | REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT ANDTO THE COUNCILon the implementation of Directive 2001/95/EC of the European Parliament and of theCouncil of 3 December 2001 on general product safety<http://ec.europa.eu/consumers/archive/safety/prod_legis/docs/report_impl_gpsd_en.pdf>Commission communication in the framework of the implementation of the Directive 2001/95/EC ofthe European Parliament and of the Council of 3 December 2001 on general product safety(Publication of titles and references of European standards under the directive)(Text with EEA relevance)(2014/C 220/02) ESO<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2014:220:FULL&from=EN> |
| CEPI asbl (Conseil européen des Professions immobilières), EPAG asbl (European Property Agents Group) Code of conduct for real estate professionals in the field of e-commerce | 1. Code of conduct for real estate professionals in the field of e-commerceFor the purposes of this code of conduct, the following definitions shall apply:- electronic commerce : commercial activities, communications and transactions carried on, made or concluded using electronic means;- consume r:: any natural person who is acting for purposes which are outside his or her profession or business;- electronic signature data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication.<http://www.eesc.europa.eu/resources/docs/074-private-act.pdf> | Objective(s)Real estate professionals shall conduct their business activities in a way that is transparent, and ensure that they respect all applicable legal provisions, all codes of conduct to which they have adhered, the confidentiality of European personal data and intellectual property rights. They shall respect their commitments and ensure that the information they provide is accurate and that the procedures used for concluding contracts and making payment are secure. The level of protection offered to clients pursuant to these principles shall be equivalent to that which such clients would enjoy in the framework of traditional transactions. Real estate professionals can only guarantee to satisfy in full their commitments, if clients communicate complete and correct information to them.Type of Instrument(s)Code of conduct.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=74> | European Code of Ethics for Real estate Professional<http://www.cepi.eu/index.php?hl=en&page=code-europeen-de-deontologie-pour-les-professionnels-immobiliers> |
| Decision No 854/2005/EC of the European Parliament and of the Council of 11 May 2005 establishing a multiannual Community Programme on promoting safer use of the Internet and new online technologies | DECISION No 854/2005/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2005establishing a multiannual Community Programme on promoting safer use of the Internet and new online technologiesANNEX IACTIONS1.   ACTION 1: FIGHTING AGAINST ILLEGAL CONTENTHotlines allow members of the public to report illegal content. They pass the reports on to the appropriate body (an Internet Service Provider (ISP), the police or a correspondent hotline) for action. Civilian hotlines complement police hotlines, where these exist. Their role is distinct from that of the law enforcement authorities, since they do not investigate offences or arrest or prosecute offenders. They may constitute centres of expertise providing guidance to ISPs as to what content might be illegal.The existing hotline network is a unique structure that would not have been set up without Community funding. As pointed out in the 2002 evaluation report for the Safer Internet Action Plan, the network has been very successful in expanding membership and has an international reach. In order for the hotlines to develop their full potential, it is necessary to ensure Europe-wide coverage and cooperation, and to increase effectiveness through exchange of information, best practice and experience. Community funds should also be used to raise public awareness of the hotlines, thereby making them more effective.Funding will be provided for hotlines, selected following a call for proposals, to act as nodes of the network and to cooperate with the other nodes within the European network of hotlines.If necessary, telephone helplines could be supported, where children could raise concerns about illegal and harmful content on the Internet.For the purpose of evaluating the effectiveness of hotlines, several indicators should be taken into account. Qualitative and quantitative data should be collected on the establishment and operation of hotlines, the number of national nodes, the geographical coverage in the Member States, the number of reports received, the number and level of experience of hotline staff, the reports forwarded for action to the public authorities and ISPs, and, to the extent available, action taken as a result, in particular the number and kind of web pages withdrawn by ISPs as a result of information provided by the hotlines. Those data should be made public if possible and should be forwarded to the competent authorities.To ensure that the programme is effective, hotlines are required in all Member States and candidate countries where none currently exist. These new hotlines must be incorporated quickly and effectively into the existing European network of hotlines. Incentives must be given to speed up the process of setting up hotlines. Links between this network and hotlines in third countries (particularly in other European countries where illegal content is hosted and produced) should be promoted, enabling common approaches to be developed and know-how and best practice to be transferred. In accordance with national legislation, and where appropriate and necessary, mechanisms for cooperation between civilian hotlines and law enforcement authorities must be further improved, including, for example, the development of codes of conduct for such hotlines. Where appropriate, there may be a need for hotline staff to receive legal and technical training. Active participation by hotlines in networking and cross-border activities will be mandatory.Hotlines should be linked to Member State initiatives, supported at national level and should be financially viable to ensure continued operation beyond the duration of this Programme. Co-funding is intended for civilian hotlines and therefore will not be provided for hotlines run by the police. Hotlines will make clear to users the difference between their activities and those of public authorities, and will inform them of the existence of alternative ways of reporting illegal content.In order to achieve maximum impact and effectiveness with available funding, the hotline network must operate as efficiently as possible. This can best be achieved by assigning a coordinating node to the network, which will facilitate agreement between the hotlines so as to develop European-level guidelines, working methods and practices which respect the limits of the national laws applying to the individual hotlines.3.   ACTION 3: PROMOTING A SAFER ENVIRONMENTA fully functioning system of self-regulation is an essential element in limiting the flow of unwanted, harmful and illegal content. Self-regulation involves a number of components: consultation and appropriate representation of the parties concerned; codes of conduct; national bodies facilitating cooperation at Community level; and national evaluation of self-regulation frameworks[(3)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr3-L_2005149EN.01000501-E0003). There is a continuing need for Community work in this area to encourage the European Internet and new online technologies industries to implement codes of conduct.The Safer Internet Forum developed in 2004 under the Safer Internet Action Plan is to become a discussion forum including representatives of industry, law enforcement authorities, policy-makers and user organisations (e.g. parent and teacher organisations, child protection groups, consumer protection bodies and civil and digital rights organisations). It will provide a platform for national co-regulatory or self-regulatory bodies to exchange experience and an opportunity to discuss ways in which industry can contribute to the fight against illegal content.The Safer Internet Forum will provide a focal point for discussion at expert level and a platform to drive consensus, inputting conclusions, recommendations, guidelines etc. to relevant national and European channels.The Safer Internet Forum will span all the actions, facilitating discussion and stimulating action relevant to illegal, unwanted and harmful content. Consisting of plenary sessions and, where necessary for specific issues, working groups with clear objectives and deadlines, it will be a meeting place for actors from all areas, including government agencies and programmes, standards bodies, industry, services within the Commission and user organisations (e.g. parent and teacher organisations, child protection groups, consumer protection bodies and civil and digital rights organisations). The Forum will provide an opportunity for people, active at national and European level, especially those involved in Member State programmes and initiatives, to exchange views, information and experience. Where appropriate, the Safer Internet Forum should exchange information and cooperate with relevant organisations active in related areas, such as network and information security.The Safer Internet Forum will have the specific objectives of:

|  |  |
| --- | --- |
| 1. | stimulating networking of the appropriate structures within Member States and developing links with self-regulatory bodies outside Europe; |
| 2. | stimulating consensus and self-regulation on issues such as quality rating of websites, cross-media content rating, rating and filtering techniques, extending them to new forms of content such as online games and new forms of access such as mobile phones; |
| 3. | encouraging service providers to draw up codes of conduct on issues such as handling notice and take down procedures in a transparent and conscientious manner and informing users about safer use of Internet and the existence of hotlines for reporting illegal content; |
| 4. |  Promoting research into the effectiveness of rating projects and filtering technologies. User organisations and scientific research institutes can be valuable partners in this effort. |

Results and findings from ongoing and completed projects co-funded by the programme will feed into the process. By providing an open platform, the Forum will help to raise levels of awareness and attract the involvement of the candidate countries and other third countries, providing an international arena to address a global problem. It will, therefore, ensure that key associations, such as user organisations (e.g. parent and teacher organisations, child protection groups, consumer protection bodies and civil and digital rights organisations), industries and public bodies are aware of, are consulted on and contribute to safer-use initiatives within the Community and internationally.Participation in the Safer Internet Forum will be open to interested parties from outside the Community and candidate countries. International cooperation will be enhanced by a round table linked to the Forum in order to ensure regular dialogue on best practice, codes of conduct, self-regulation and quality ratings. The Commission will ensure that synergies with related fora and similar initiatives are fully exploited.A call for tenders may be organised in order to provide a secretariat to support the Safer Internet Forum, including subject-field experts, to suggest themes of study, prepare working papers, moderate discussions and record conclusions.A further type of activity attracting financial support at Community level could for instance include self-regulatory projects to devise cross-border codes of conduct. Advice and assistance may be provided so as to ensure cooperation at Community level through networking of the appropriate bodies within Member States and candidate countries and through systematic review and reporting of relevant legal and regulatory issues, to help develop methods of assessment and certification of self-regulation, to provide practical assistance to countries wishing to set up self-regulatory bodies and to expand links with self-regulatory bodies outside Europe.<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML> | Objective(s)The aim of Decision No 854/2005/EC is to fund programmes in particular "projects which aim to adapt rating systems and quality labels to take account of the convergence of telecommunications, audio-visual media and information technology and to self-regulatory initiatives to back up the reliability of self-labelling and services for assessing the accuracy of self-rating labels." (Annex I, Action 2). The Commission by defining funding criteria has set a framework for Co-regulation. "A fully functioning system of self-regulation is an essential element in limiting the flow of unwanted, harmful and illegal content. Self-regulation involves a number of components: consultation and appropriate representation of the parties concerned; codes of conduct; national bodies facilitating cooperation at Community level; and national evaluation of self-regulation frameworks. There is a continuing need for Community work in this area to encourage the European Internet and new online technologies industries to implement codes of conduct." (Annex I, Action 3).Type of Instrument(s)Unspecified<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=71> | Brussels, 6.11.2006COM(2006) 661 finalCOMMUNICATION FROM THE COMMISSION TO THE EUROPEANPARLIAMENT, THE COUNCIL THE EUROPEAN ECONOMIC AND SOCIALCOMMITTEE AND THE COMMITTEE OF THE REGIONSCommunication on the implementation of the multiannual Community Programme onpromoting safer use of the Internet and new online technologies (Safer Internet plus)<http://www.euo.dk/upload/application/pdf/39c5d4d6/20060661.pdf>ls, 18.2.2009COM(2009) 64 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONSFinal evaluationof the implementation of the multiannual Community Programme on promotingsafer use of the Internet and new online technologies<http://www.google.de/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=10&cad=rja&uact=8&ved=0CFYQFjAJ&url=http%3A%2F%2Fwww.parliament.bg%2Fpub%2FECD%2F78521COM_2009_64_EN_ACTE_f.doc&ei=jFGRVIK1MIrgOOfSgegM&usg=AFQjCNFSKSA8GDf1joM5lpOxYzI3cUEuUA> |
| Commission Directive 2004/72/EC of 29 April 2004 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards accepted market practices, the definition of inside information in relation to derivatives on commodities, the drawing up of lists of insiders, the notification of managers&#39; transactions and the notification of suspicious transactions | The Market Abuse Directive 2003/6/EC (MAD) provide there is no market manipulation, as defined in Article 1(2) (a), as long as transactions or orders to trade on financial markets are in line with "Accepted Market Practices" (AMP). This defence against allegation of market manipulation is only available if, in addition, the entity who entered into the transaction or issued the order establishes that its reason for so doing was legitimate. Article 1 (5) of the Directive defines AMP as practices "reasonably expected in one or more financial markets and ... accepted by the competent authority in accordance with guidelines adopted by the Commission". Example: the London Metal Exchange Document "Market Aberrations: the Way Forward", October 1998, which governs the behaviour expected of long position holders in the metal market. (AMP is not a safe harbour, a concept dealt with in Articles 7 and 8 of Directive 2003/6/EC and Regulation 2273/2003 covering buy back programs and stabilisation). The decision as to whether behaviour constitutes an AMP is a matter of national discretion and the responsibility of individual CESR (Committee of European Securities Regulators) members, because specific national markets operate in a specific context. Article 2 of the Commission Directive 2004/72/EC implementing MAD describes the non exhaustive factors that a competent authority should take account of before deciding whether to accept a market practice. These include: "(a) the level of transparency of the relevant market practice to the whole market; (b) the need to safeguard the operation of market forces and the proper interplay of the forces of supply and demand; (c) the degree to which the relevant market practice has an impact on market liquidity and efficiency; (d) the degree to which the relevant practice takes into account the trading mechanism of the relevant market and enables market participants to react properly and in a timely manner to the new market situation created by that practice; (e) the risk inherent in the relevant practice for the integrity of, directly or indirectly, related markets, whether regulated or not, in the relevant financial instrument within the whole Community; (f) the outcome of any investigation of the relevant market practice by any competent authority or other authority mentioned in Article 12(1) of MAD, in particular whether the relevant market practice breached rules or regulations designed to prevent market abuse, or codes of conduct, be it on the market in question or on directly or indirectly related markets within the Community; (g) the structural characteristics of the relevant market including whether it is regulated or not, the types of financial instruments traded and the type of market participants, including the extent of retail investors participation in the relevant market." If a market practice is deemed acceptable on one particular market and unacceptable on another comparable market within the EU, the Commission Directive states that discussion could take place in CESR. Competent authorities should ensure a high degree of consultation and transparency vis-à-vis market participants and end-users. As a consequence they must publicly disclose their decisions and send them to CESR for publication on its website in a standard format with a link to the national text.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=71> | Objective(s)The Market Abuse Directive 2003/6/EC (MAD) provides there is no market manipulation, as defined in Article 1(2) (a), as long as transactions or orders to trade on financial markets are in line with "Accepted Market Practices" (AMP). This defence against allegation of market manipulation is only available if, in addition, the entity who entered into the transaction or issued the order establishes that its reason for so doing was legitimate. Article 1 (5) of the Directive defines AMP as practices "reasonably expected in one or more financial markets and ... accepted by the competent authority in accordance with guidelines adopted by the Commission". Example: the London Metal Exchange Document "Market Aberrations: the Way Forward", October 1998, which governs the behaviour expected of long position holders in the metal market. (AMP is not a safe harbour, a concept dealt with in Articles 7 and 8 of Directive 2003/6/EC and Regulation 2273/2003 covering buy back programs and stabilisation). The decision as to whether behaviour constitutes an AMP is a matter of national discretion and the responsibility of individual CESR (Committee of European Securities Regulators) members, because specific national markets operate in a specific context. Article 2 of the Commission Directive 2004/72/EC implementing MAD describes the non exhaustive factors that a competent authority should take account of before deciding whether to accept a market practice. These include: "(a) the level of transparency of the relevant market practice to the whole market; (b) the need to safeguard the operation of market forces and the proper interplay of the forces of supply and demand; (c) the degree to which the relevant market practice has an impact on market liquidity and efficiency; (d) the degree to which the relevant practice takes into account the trading mechanism of the relevant market and enables market participants to react properly and in a timely manner to the new market situation created by that practice; (e) the risk inherent in the relevant practice for the integrity of, directly or indirectly, related markets, whether regulated or not, in the relevant financial instrument within the whole Community; (f) the outcome of any investigation of the relevant market practice by any competent authority or other authority mentioned in Article 12(1) of MAD, in particular whether the relevant market practice breached rules or regulations designed to prevent market abuse, or codes of conduct, be it on the market in question or on directly or indirectly related markets within the Community; (g) the structural characteristics of the relevant market including whether it is regulated or not, the types of financial instruments traded and the type of market participants, including the extent of retail investors participation in the relevant market." If a market practice is deemed acceptable on one particular market and unacceptable on another comparable market within the EU, the Commission Directive states that discussion could take place in CESR. Competent authorities should ensure a high degree of consultation and transparency vis-à-vis market participants and end-users. As a consequence they must publicly disclose their decisions and send them to CESR for publication on its website in a standard format with a link to the national text.Type of Instrument(s)Accepted Market Practices<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=67> |  |
| Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights | 1. Corrigendum to Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights([Official Journal of the European Union L 157 of 30 April 2004](http://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=OJ:L:2004:157:TOC) )Directive 2004/48/EC should read as follows:DIRECTIVE 2004/48/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004on the enforcement of intellectual property rights(29) Industry should take an active part in the fight against piracy and counterfeiting. The development of codes of conduct in the circles directly affected is a supplementary means of bolstering the regulatory framework. The Member States, in collaboration with the Commission, should encourage the development of codes of conduct in general. Monitoring of the manufacture of optical discs, particularly by means of an identification code embedded in discs produced in the Community, helps to limit infringements of intellectual property rights in this sector, which suffers from piracy on a large scale. However, these technical protection measures should not be misused to protect markets and prevent parallel imports.CHAPTER IVCODES OF CONDUCT AND ADMINISTRATIVE COOPERATIONArticle 17Codes of conductMember States shall encourage:(a) the development by trade or professional associations or organisations of codes of conduct at Community level aimed at contributing towards the enforcement of the intellectual property rights, particularly by recommending the use on optical discs of a code enabling the identification of the origin of their manufacture;(b) the submission to the Commission of draft codes of conduct at national and Community level and of any evaluations of the application of these codes of conduct.<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0048R(01):EN:HTML>2. COMMISSION OF THE EUROPEAN COMMUNITIESBrussels, 11.9.2009COM(2009) 467 finalCOMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEEEnhancing the enforcement of intellectual property rights in the internal market4.2. Combating IPR infringements through Stakeholders' DialoguesThe focus on common interests should allow voluntary arrangements to be fostered between stakeholders and thus practical solutions to be found. Voluntary arrangements to combatcounterfeiting and piracy on the ground can give stakeholders the flexibility to adapt quickly to new technological developments. Moreover, this approach empowers stakeholders themselves to work out optimal measures, particularly technological solutions. Voluntaryagreements can also be more easily extended beyond the European Union and become a foundation for best practice in the fight against counterfeiting and piracy at global level.(p.10)2.1. Supporting IPR enforcement through comprehensive information and sharingof best practicesThe Commission is now establishing an Observatory to serve as the central resource for gathering, monitoring and reporting information and data related to all IPR infringements.However, the Observatory should play a much wider role, becoming the platform forrepresentatives from national authorities and stakeholders to exchange ideas and expertise onbest practices, to develop joint enforcement strategies and to make recommendations to policy-makers.Ensuring that the Observatory becomes the pan-European source of knowledge and a central resource for stakeholders and public authorities engaged in IPR enforcement activities will require close collaboration between the Commission, the Member States and the private sector. The aim therefore is to involve public and private representatives from across theEuropean Union and to bring them together in partnership with consumers to cultivate a broader understanding of the problems. This will facilitate the development of practical solutions, more focused awareness raising strategies and more collaborative action. Animportant deliverable would be a publicly available Annual Report, presented by theCommission and providing specific information on core work areas.promote and spread best practice amongst public authorities;– identifying and assessing IPR enforcement coordination in the MemberStates;– promoting and spreading best practice in particular through innovativeand successful cooperation initiatives between different enforcementauthorities as well as other relevant national authorities;– identifying and documenting enforcement training programmes carriedout in different Member States and spreading best practice;spread successful private sector strategies;– identifying and assessing successful anti-counterfeiting and piracystrategies and action undertaken by the private sector and spreading bestpractice;- identifying successful public awareness campaigns, developing strategiesand initiatives and spreading best practice throughout economic sectorsand across national borders;(p.6,7)3. FOSTERING ADMINISTRATIVE COOPERATION ACROSS EUROPEAs the national centres of IPR expertise, National IP Offices have an important contribution to make. They could play a valuable role in building platforms and strategies to drive coordinated approaches and spreading best practices. This role could be extended to new functions such as awareness-raising, specific support for SMEs and coordination. Other international IP focal points, such as the European Patent Office, may also wish to reach out with their expertise and best practices. Moreover, in respect of trade marks and designs,cooperation between the OHIM and the national offices could be further extended to coverEU cooperation and future enforcement programmes and action.(p.8)3.1. Increasing the transparency of national structures and systemsTransparency needs to be improved in respect of the national structures to provide support to stakeholders at cross-border levels, particularly SMEs. Following a comprehensive round ofconsultation, in which all Member States have participated and produced information, theCommission is currently analysing the structures that Member States have put in place to combat IPR infringements. This will result in a report that will map existing frameworks and strategies and provide best practice indicators. The report will be presented at meetings ofstakeholders and Member States, in the context of the Observatory, in the second half of2009.4.2. Combating IPR infringements through Stakeholders' DialoguesThe focus on common interests should allow voluntary arrangements to be fostered between stakeholders and thus practical solutions to be found. Voluntary arrangements to combatcounterfeiting and piracy on the ground can give stakeholders the flexibility to adapt quickly to new technological developments. Moreover, this approach empowers stakeholders themselves to work out optimal measures, particularly technological solutions. Voluntary agreements can also be more easily extended beyond the European Union and become a foundation for best practice in the fight against counterfeiting and piracy at global level.<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0467:FIN:EN:PDF> 3. RESOLUTIONS COUNCIL COUNCIL RESOLUTION of 1 March 2010 on the enforcement of intellectual property rights in the internal market (2010/C 56/01)33. REQUESTS the Observatory to facilitate regular experts’ meetings, involving representatives from public authorities, private sector bodies and consumer organisations, to promote successful and proportional solutions against counterfeiting and piracy. The Observatory will pay special attention to the compilation of best practices in public and private sectors and codes of conduct in private sectors. In its Annual Report, the Observatory should take into account the conclusions of the experts’ meetings and relevant round tables;(C 56/3)39. WELCOMES the Commission's new and innovative approach to facilitate dialogues amongst stakeholders, aimed at jointly agreed voluntary measures to reduce counterfeiting and piracy in compliance with the legal framework;40. ENCOURAGES the Commission, the Member States and the relevant stakeholders to pursue ongoing dialogues and to resolutely seek agreements on voluntary practical measures aimed at reducing counterfeiting and piracy in the internal market, both online and offline;41. INVITES the Member States to communicate to the Commission any existing agreements referred to in the previous point and ENCOURAGES the Commission to analyse, in cooperation with Member States and economic operators, the efficacy of these agreements in the fight against counterfeiting in the internal market in order to state the existing best practices;(C 56/4)<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:056:0001:0004:EN:PDF> | Objective(s)Protection of intellectual property for promoting innovation and creativity, but also for developing employment and improving competitiveness. According to the Directive 2004/48/EC on the enforcement of intellectual property rights Member States shall encourage the development by trade or professional associations or organisations of codes of conduct at Community level aimed at contributing towards the enforcement of the intellectual property rights, as well as the submission to the Commission of draft codes of conduct at national and Community level.Type of Instrument(s)Code(s) of conduct<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=66> | SYNTHESIS OF THE COMMENTS ON THECOMMISSION REPORT ON THE APPLICATION OFDIRECTIVE 2004/48/EC OF THE EUROPEAN PARLIAMENT ANDTHE COUNCIL OF 29 APRIL 2004 ON THE ENFORCEMENT OFINTELLECTUAL PROPERTY RIGHTS(COM/2010/779 final)<http://ec.europa.eu/internal_market/consultations/docs/2011/intellectual_property_rights/summary_report_replies_consultation_en.pdf> |
| Federation of European Direct Selling Associations (FEDSA) | 1.Code towards Consumers PREFACENational direct selling associations (DSAs) may use and publish the European direct selling code of conduct towards consumers and the European direct selling code of conduct towards direct sellers, between direct sellers and between companies separately and in a different manner of distribution if required. DSAs may also combine the two codes and use and publish them as a single entity.1. GENERAL 1.1 Scope The European Direct Selling Code of Conduct towards Consumers (here in after referred to as the “Code”) is published by the Federation of European Direct Selling Associations (FEDSA) for its member DSAs. The Code concerns the relations between direct selling companies and direct sellers on the one hand and consumers on the other hand. The Code is aimed at achieving the satisfaction and protection of consumers, the promotion of fair competition in the framework of free enterprise, and the enhancement of the public image of direct selling, which is to sell quality products on fair terms and conditions to consumers.1.3 AssociationsEvery DSA pledges to adopt a code of conduct that incorporates the substance of the provisions of the Code, as a condition of its admission and continuing membership in FEDSA. 1.5 Direct Sellers Direct sellers are not bound directly by the Code, but shall be required by their companies to adhere to it or to rules of conduct meeting its standard as a condition of membership in the companies' distribution systems.1.6 Self-regulation The Code is a measure of self-regulation by the direct selling industry. It is not a law, and its obligations may require a level of ethical behavior which exceeds existing legal requirements. Non-observance does not create any civil law responsibility. With termination of its membership in a DSA, a company is no longer bound by the Code, the provisions of which remain applicable to events or transactions occurring during the time a company were a member of the DSA. 1.9 Extraterritorial Effect Every DSA pledges that it will require each member as a condition to admission and continuing membership in the DSA to comply with the WFDSA World Codes of Conduct for Direct Selling with regard to direct selling activities outside of its home country, unless those activities are under the jurisprudence of codes of conduct of another country's DSA to which the member also belongs. <http://www.eesc.europa.eu/resources/docs/064-private-act.pdf>2. 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 - Statement by the Council and the Parliament re Article 6 (1) - Statement by the Commission re Article 3 (1), first indent Official Journal L 144 , 04/06/1997 P. 0019 - 0027(18) Whereas it is important for the minimum binding rules contained in this Directive to be supplemented where appropriate by voluntary arrangements among the traders concerned, in line with Commission recommendation 92/295/EEC of 7 April 1992 on codes of practice for the protection of consumers in respect of contracts negotiated at a distance (8);(19) Whereas in the interest of optimum consumer protection it is important for consumers to be satisfactorily informed of the provisions of this Directive and of codes of practice that may exist in this field;Article 16 Consumer information Member States shall take appropriate measures to inform the consumer of the national law transposing this Directive and shall encourage, where appropriate, professional organizations to inform consumers of their codes of practice.<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0007:EN:HTML>92/295/EEC: Commission Recommendation of 7 April 1992 on codes of practice for the protection of consumers in respect of contracts negotiated at a distance (distance selling) Official Journal L 156 , 10/06/1992 P. 0021 – 0022COMMISSION RECOMMENDATION of 7 April 1992 on codes of practice for the protection of consumers in respect of contracts negotiated at a distance (distance selling) (92/295/EEC)THE COMMISSION OF THE EUROPEAN COMMUNITIES, Having regard to the Treaty establishing the European Economic Community, Whereas measures must be taken for the gradual establishment of the internal market, and cross-frontier distance selling may be one of the main tangible signs for consumers of completion of the market; Whereas it has been decided to set out in the form of a Directive a basic set of minimum consumer protection rules which are necessary for the proper functioning of the market; whereas one of the reasons for this initiative is concern to avoid fragmentation of the national legislation; Whereas these mandatory basic rules should be supplemented by voluntary self-regulatory arrangements in the form of codes of practice; Whereas firms engaging in transactions by means of contracts negotiated at a distance make use of certain particular methods of sales promotion; whereas these methods give rise to special problems as a result of the means of communication used; whereas it is thus particularly necessary to ensure that the consumer is sufficiently informed; Whereas payment in advance may pose a problem of financial security for the consumer; whereas such risk is particularly high where the supplier in question can be identified and located only with difficulty; whereas it is essential to give the consumer the assurance that he will be reimbursed in case of non-execution of the contract; Whereas a firm which subscribes to a code informs its customers of the fact; whereas the consumer must therefore be able to acquaint himself with the content of this code and must know what to do if he thinks it has not been complied with; Whereas the Commission will in due course evaluate the putting into effect of this recommendation; whereas it will consider at that time whether other measures appear necessary, HEREBY RECOMMENDS: That the trade associations of suppliers: 1. should adopt codes of practice, with the particular aim of stating precisely, for the sectors concerned and means of communication used, the minimum rules contained in the Directive on 'contracts negotiated at a distance'; 2. should include the points listed in the Annex in such codes; 3. should ensure that their members comply with the codes; 4. Should inform the Commission, one year after the publication of the Directive in the Official Journal of the European Communities, of the content of the codes and the response by their members. Done at Brussels, 7 April 1992. For the Commission Karel VAN MIERT Member of the Commission ANNEX Points which could be covered by codes of practice for contracts negotiated at a distance: - Dissemination of solicitations for custom: means to enable consumers not to receive solicitations if they have made it clear that they do not wish to do so. - Presentation: ethical principles to be respected in all solicitations for custom, especially as regards respect for human dignity and religious or political beliefs. - Sales promotion: provisions covering sales promotion techniques (reductions, rebates, gifts, lotteries and competitions) to ensure that the principles of fair competition are respected and in particular that the consumer receives clear information. - Financial security: arrangements to ensure the reimbursement of payments made by consumers at the time of placing an order. - Right of withdrawal: if the consumer chooses to make use of the right of withdrawal, a period within which payments already made will be reimbursed. - Knowledge of the code: information for consumers on the existence of the code, its content and the results of its application. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992H0295:EN:HTML> | Objective(s)Increasing clients' trust in the quality of the products/services; Improving sector's image; Raising industry standards; Using it as a marketing tool; Enhancing the level of information; Improving sector's image; Avoiding government regulation; Going beyond legislative requirements. The Directive 97/7/EC considers that "it is important for the minimum binding rules contained in this Directive to be supplemented where appropriate by voluntary arrangements among the traders concerned, in line with Commission recommendation 92/295/EEC of 7 April 1992 on codes of practice for the protection of consumers in respect of contracts negotiated at a distance". It also considers that"in the interest of optimum consumer protection it is important for consumers to be satisfactorily informed of the provisions of this Directive and of codes of practice that may exist in this field". As a consequence, Article 16 provides that "Member States shall take appropriate measures to inform the consumer of the national law transposing this Directive and shall encourage, where appropriate, professional organisations to inform consumers of their codes of practice".Type of Instrument(s)Unilateral code of conduct<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=64> |  |
| Federation of European Direct Selling Associations (FEDSA) | 1. Code towards direct sellers1. GENERAL 1.1 Scope The European direct selling Code of Conduct towards direct sellers, between direct sellers and between Companies (hereinafter referred to as the “Code”) is published by the Federation of European Direct Selling Associations (FEDSA) for its member DSAs. The Code concerns the relations between direct selling companies and direct sellers, between direct sellers, and between direct selling companies. The Code is aimed at the protection of direct sellers, the promotion of fair competition in the framework of free enterprise, the ethical representation of the direct selling industry's earning opportunity and the enhancement of the public image of direct selling, which is to sell quality products on fair terms and conditions to consumers. 1.3 Associations Every national DSA pledges to adopt a code of conduct that incorporates the substance of the provisions of the Code, as a condition of admission and continuing membership in FEDSA.1.4 Direct Sellers Direct sellers are not bound directly by the Code, but shall be required by their companies to adhere to it or to rules of conduct meeting its standards as a condition of membership in the companies' distribution systems. 1.5 Self-Regulation The Code is a measure of self-regulation by the direct selling industry. It is not a law, and its obligations may require a level of ethical behavior which exceeds existing legal requirements. Non-observance does not create any civil law responsibility. With termination of its membership in a DSA, a company is no longer bound by the Code, the provisions of which remain applicable to events or transactions occurring during the time a company were a member of the DSA. 1.8 Extraterritorial Effect Every national DSA pledges that it will require each member as a condition to admission and continuing membership in the DSA to comply with the WFDSA World Codes of Conduct for Direct Selling with regard to direct selling activities outside of its home country, unless those activities are under the jurisdiction of Codes of conduct of another country's DSA to which the member also belongs. 2. CONDUCT TOWARDS DIRECT SELLERS 2.1 Direct Sellers' Compliance Companies shall communicate the contents of the Code to all direct sellers and require their direct sellers, as a condition of membership in the Companies' distribution systems, to comply with the Code or with rules of conduct which meet its standards. <http://www.eesc.europa.eu/resources/docs/063-private-act.pdf>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 - Statement by the Council and the Parliament re Article 6 (1) - Statement by the Commission re Article 3 (1), first indent Official Journal L 144 , 04/06/1997 P. 0019 – 0027(18) Whereas it is important for the minimum binding rules contained in this Directive to be supplemented where appropriate by voluntary arrangements among the traders concerned, in line with Commission recommendation 92/295/EEC of 7 April 1992 on codes of practice for the protection of consumers in respect of contracts negotiated at a distance (8);(19) Whereas in the interest of optimum consumer protection it is important for consumers to be satisfactorily informed of the provisions of this Directive and of codes of practice that may exist in this field;4. Member States may provide for voluntary supervision by self-regulatory bodies of compliance with the provisions of this Directive and recourse to such bodies for the settlement of disputes to be added to the means which Member States must provided to ensure compliance with the provisions of this Directive.Article 16 Consumer information Member States shall take appropriate measures to inform the consumer of the national law transposing this Directive and shall encourage, where appropriate, professional organizations to inform consumers of their codes of practice.<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0007:EN:HTML> | Objective(s)Increasing clients' trust in the quality of the products/services; Improving sector's image; Raising industry standards; Using it as a marketing tool; Enhancing the level of information; Improving sector's image; Avoiding government regulation. The Code concerns the relations between direct selling companies and direct sellers, between direct sellers, and between direct selling companies. The Code is aimed at the protection of direct sellers, the promotion of fair competition in the framework of free enterprise, the ethical representation of the direct selling industry's earning opportunity and the enhancement of the public image of direct selling, which is to sell quality products on fair terms and conditions to consumers. The Directive 97/7/EC considers that "it is important for the minimum binding rules contained in this Directive to be supplemented where appropriate by voluntary arrangements among the traders concerned, in line with Commission recommendation 92/295/EEC of 7 April 1992 on codes of practice for the protection of consumers in respect of contracts negotiated at a distance". It also considers that "in the interest of optimum consumer protection it is important for consumers to be satisfactorily informed of the provisions of this Directive and of codes of practice that may exist in this field". As a consequence, Article 16 provides that "Member States shall take appropriate measures to inform the consumer of the national law transposing this Directive and shall encourage, where appropriate, professional organisations to inform consumers of their codes of practice".Type of Instrument(s)Unilateral code of conduct<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=63> |  |
| Commission Directive 2003/125/EC of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards the fair presentation of investment recommendations and the disclosure of conflicts of interest | No link | Objective(s)The Directive 2003/125/EC as regards the fair presentation of investment recommendations and the disclosure of conflicts of interest establishes standards for the fair presentation of investment recommendations and the disclosure of conflicts of interest. The Directive imposes a general requirement on Member States to put in place appropriate regulation of persons, who make investment recommendations ('appropriate regulation' shall mean any regulation, including self-regulation, in place in Member States). This general requirement does not apply in the case of journalists who are subject to equivalent appropriate regulation in Member States, including equivalent appropriate self-regulation, provided that such regulation achieves effects similar to those of the regulation by Member States that would otherwise be required by the directive. The journalists' self regulation rules are also referred to in the 'market manipulation' definition in the Market Abuse Directive 2003/6.Type of Instrument(s)Code of conduct.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=58> |  |
| Federation of European Direct Marketing (FEDMA) | FEDERATION OF EUROPEAN DIRECT MARKETINGEUROPEAN CODE OF PRACTICE FOR THE USE OF PERSONAL DATA IN DIRECT MARKETINGRepresenting directly, or indirectly through the trade associations, a total of around 10,000 European direct marketing practitioners, FEDMA is ideally placed to draw up a European data protection code of practice for Practitioners, which it has prepared following discussions with the Article 29 Group. This essential instrument represents an interpretation of the European Data Protection Directive in terms designed to be understood by direct marketers; in some areas of the Directive where practice already goes beyond the level set by the Directive – or where FEDMA recommends that it should – such higher standards of practice are incorporated. The code is designed primarily as an instrument of best practice, and it is intended for use as a reference Document within the framework of applicable laws. Direct members of FEDMA will operate to the standards laid down in the FEDMA Code, subject always to their obligation to comply with their relevant national laws or self-regulatory provisions. This code is not intended to reduce or replace the applicability of national laws and regulations. It is also accepted by FEDMA that this Code of practice is merely the first stage in the ongoing development of effective best practice in the area of data protection. As subsequent editions of the Code become more sophisticated and continue to mirror the best and ever increasing aspirations of responsible practitioners and major changes in EU legislation, so will Industry practices across the board be raised to levels constantly matching the legitimate and growing expectations of the Industry’s customers.(p.1)This code should be read in conjunction with the other FEDMA existing and forthcoming codes of practice, including the European principles for the use of the telephone as a marketing medium by business, and The Electronic Commerce Code of Conduct for European Business. This code should also be applied with the Global Conventions on Mailing and Telephone Preference Services and the Global E-mail Preference Service principles.(p.2)CHILDRENAny individual aged under 14 years old unless otherwise defined in national legislation/self regulation(p.4)2.6 Specific provisions for Children2.6.2 Whenever applicable national or European data protection law requires the Data Subject’s consent to the processing, Data Controllers must obtain the informed and prior consent from the Child’s Parent. The form and the method in which consent must be obtained should always comply with applicable laws and self-regulation.(p.10)4 Dealing with Data Subjects’ requests4.1.3 Controllers are not obliged to answer requests that are made at unreasonable intervals (as defined in national applicable laws and/or codes of conduct which provide more protective measures).(p.13)<http://www.eesc.europa.eu/resources/docs/057-private-act.pdf>Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data Official Journal L 281 , 23/11/1995 P. 0031 – 0050(26) Whereas the principles of protection must apply to any information concerning an identified or identifiable person; whereas, to determine whether a person is identifiable, account should be taken of all the means likely reasonably to be used either by the controller or by any other person to identify the said person; whereas the principles of protection shall not apply to data rendered anonymous in such a way that the data subject is no longer identifiable; whereas codes of conduct within the meaning of Article 27 may be a useful instrument for providing guidance as to the ways in which data may be rendered anonymous and retained in a form in which identification of the data subject is no longer possible;(61) Whereas Member States and the Commission, in their respective spheres of competence, must encourage the trade associations and other representative organizations concerned to draw up codes of conduct so as to facilitate the application of this Directive, taking account of the specific characteristics of the processing carried out in certain sectors, and respecting the national provisions adopted for its implementation;CHAPTER V CODES OF CONDUCT Article 27 1. The Member States and the Commission shall encourage the drawing up of codes of conduct intended to contribute to the proper implementation of the national provisions adopted by the Member States pursuant to this Directive, taking account of the specific features of the various sectors.1. The Working Party shall:(d) give an opinion on codes of conduct drawn up at Community level.<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:HTML> | Objective(s)Meeting legislative requirements; Improving sector's image; Increasing clients' trust in the quality of the products/services; Raising industry standards; Using it as a marketing tool; Enhancing the level of information; Improving sector's image; Avoiding government regulation. The Directive 95/46/EC of 24 October 1995 (Article 27) provides that Member States and the Commission shall encourage the drawing up - at national and Community levels - of codes of conduct intended to contribute to the proper implementation of the Directive. "Article 27 The Member States and the Commission shall encourage the drawing up of codes of conduct intended to contribute to the proper implementation of the national provisions adopted by the Member States pursuant to this Directive, taking account of the specific features of the various sectors. Member States shall make provision for trade associations and other bodies representing other categories of controllers which have drawn up draft national codes or which have the intention of amending or extending existing national codes to be able to submit them to the opinion of the national authority. Member States shall make provision for this authority to ascertain, among other things, whether the drafts submitted to it are in accordance with the national provisions adopted pursuant to this Directive. If it sees fit, the authority shall seek the views of data subjects or their representatives. Draft Community codes, and amendments or extensions to existing Community codes, may be submitted to the Working Party referred to in Article 29. This Working Party shall determine, among other things, whether the drafts submitted to it are in accordance with the national provisions adopted pursuant to this Directive. If it sees fit, the authority shall seek the views of data subjects or their representatives. The Commission may ensure appropriate publicity for the codes which have been approved by the Working Party." Seven years of negotiations between FEDMA and the Working Party (set in accordance with Article 29 of the Directive 95/46/EC of 24 October 1995) finally led to the introduction of the Code. The code of practise adopted in 2003 represents an interpretation of the European Data Protection Directive in terms designed to be understood by direct marketers; in some areas of the Directive, where practice already goes beyond the level set by the Directive - or where FEDMA recommends that it should - such higher standards of practice are incorporated. The topics addressed in the code include: Obtaining personal data; Responsibilities of the data controller; Dealing with data subjects' requests; Preference services systems (suppression system); Transfer of data to non-EU countries.Type of Instrument(s)Code of practise<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=57> |  |
| The European Insurance and Reinsurance Federation (CEA) | EUROPEAN GOOD PRACTICE GUIDE FOR INSURANCE BUSINESSON THE INTERNET – COMITÉ EUROPÉEN DES ASSURANCES - 2001AimsThe European insurers’ Good Practice Guide for the sale of products on the Internet outlines the principles which insurance undertakings agree to respect when they make contractual offers to consumers on the Web. (p.3)ImplementationThe European insurers’ Good Practice Guide for the sale of products on the Internet is a CEA recommendation which national associations are invited to “promote” on their respective markets. They should encourage its application by their member companies and ensure its satisfactory implementation.(p.7)<http://www.eesc.europa.eu/resources/docs/049-private-act.pdf> | Objective(s)To establish high standards of information for consumers both on the insurance undertaking and the products available, in order to develop confidence in this distribution technique and enable consumers to make their choice in full knowledge of the facts; To take all necessary steps for the requisite security of business both with regard to data confidentiality and payment of premiums; To guarantee compliance with fair commercial practices when using the Internet.Type of Instrument(s)Good Practice Guide.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=49> |  |
| Federation of European Direct and Interactive Marketing (FEDMA) | FEDMA CODE ON E-COMMERCE & INTERACTIVE MARKETINGExplanatory MemorandumE-commerce and direct marketing are natural partners. As a communicationsstrategy, direct marketing naturally and logically seeks to maximise the potential of the Internet and electronic commerce, as today’s most rapidly expanding communications and financial transaction media. In this context, the aim of this Code of Conduct for Electronic Commerce is to contribute to the growth of an e-commerce environment conductive to online direct marketing and at the same time protective of consumer interests.It is incumbent upon the business community itself to make the effort to create the trust and confidence needed in electronic commerce, thereby helping to minimize the need for excessive legal restrictions that could hamper future technical or business processes. Self-regulation for e-commerce offers an effective and dynamic alternative to detailed and static legislation.The Code of Conduct constitutes a key element in FEDMA’s wider «Ring ofConfidence» initiative, the overall aim of which is to establish a comprehensive selfregulatory system for electronic commerce. The Ring of Confidence includes a Guarantee Seal, or trustmark to be granted to and displayed on the websites of associations and companies adhering to this Code of Conduct; a related consumer complaint resolution mechanism and links to online Alternative Dispute Resolution (ADR) Systems. (p.1)IntroductionWithin the broader aim as outlined in the Explanatory Memorandum, the Code of Conduct seeks to achieve a number of clear objectives:To allow online direct marketers, by adhering to such good practice, to gain the trust and confidence of online consumers and thus increase businessTo respond to the challenge laid down in the European Distance Selling and Ecommerce directives, that industries develop codes of conduct as enabling tools for legislation.1The code’s recommendations are based on FEDMA’s interpretation and analysis of Relevant international Codes of Practice and GuidelinesLegislative requirementsBest practice in the field at national and regional levels. 3This code of conduct should be read in conjunction with other FEDMA Codes, in particular the Draft FEDMA Code of Practice for the use of Personal Data in Direct Marketing.Together with this document, FEDMA hopes to create a coherent reference tool for effective self-regulation, to be used within the framework of applicable laws.(p.2)2.4 Right of withdrawal2.4.3 The marketer should point out clearly in the commercial proposal any possible restriction to this right of withdrawal contained in European and/or national legal or self-regulatory provisions. This should take into account the specific characteristics of certain goods and /or services7.(p.7)5. DATA PROTECTION AND CONSUMER PRIVACY5.1 This section should be read in close conjunction with the FEDMA Draft European Code of practice on the use of Personal Data in Direct Marketing.10(p.9)7.2.4 Where the marketer adheres to a national code of practice in e-commerce, the marketer should inform the consumer of, and abide by the complaints redress procedure as provided for in that code. The FEDMA provisions on consumer redress should be incorporated into any national procedures.(p.13)8. MONITORING AND ENFORCEMENT8.3 This code of conduct will be adhered to by: National Direct Marketing Associations (DMAs) and their respective membersDirect FEDMA members.Any other accredited online direct marketer8.5 Monitoring and Enforcement at national DMA level8.5.1 The national Direct Marketing Associations are responsible for the strict application of the code provisions amongst members and/or incorporation into their national selfregulatory initiatives if such exist. Where national self-regulatory initiatives do exist, sanctions applicable to a breach of the national code of conduct should be extended to the provisions of the FEDMA Code. Where there is no national self-regulatory system, DMAs should use an existing, or establish a procedure to ensure compliance with the FEDMA Code provisions at the national level.(p.14)8.6 Monitoring by FEDMA members and other accredited marketers8.6.1 Marketers adhering directly to this code of conduct must assume direct responsibility for compliance at all times.9. APPLICABLE LAW9.1 Marketers should respect the law relating to marketing activities and self-regulation in their country of establishment in the European Union and European Economic Area.Marketing activities at EU level are all fully applicable to the on-line environment.(p.16)<http://www.eesc.europa.eu/resources/docs/048-private-act.pdf> | Objective(s)Remove barriers to e-commerce cross-border services through common rules on commercial communication; Create the trust and confidence needed for the development of e-commerce; Minimise the need for legal restrictions. In order to remove barriers to the development of cross-border services within the Community which members of the regulated professions might offer on the Internet, it is necessary that compliance be guaranteed at Community level with professional rules aiming, in particular, to protect consumers or public health. The EU has considered that codes of conduct at Community level would be the best means of determining the rules on professional ethics applicable to commercial communication; the drawing-up or, where appropriate, the adaptation of such rules should be encouraged without prejudice to the autonomy of professional bodies and associations. Therefore the Directive (article 8.2) provides that Member States and the Commission should "encourage the drawing-up of codes of conduct; this is not to impair the voluntary nature of such codes and the possibility for interested parties of deciding freely whether to adhere to such codes." It also provides (article 8.3) that, when drawing up proposals for Community initiatives which may become necessary to ensure the proper functioning of the Internal Market with regard to the information given for the purposes of commercial communication, the Commission shall take due account of codes of conduct applicable at Community level and shall act in close cooperation with the relevant professional associations and bodies. Article 10. 2 Information to be provided Member States shall ensure that, except when otherwise agreed by parties who are not consumers, the service provider indicates any relevant codes of conduct to which he subscribes and information on how those codes can be consulted electronically. The Directive also seeks to facilitate the setting up of effective, alternative cross-border on-line dispute settlement systems. Article 17 Out-of-court dispute settlement: Member States shall ensure that, in the event of disagreement between an information society service provider and the recipient of the service, their legislation does not hamper the use of out-of-court schemes, available under national law, for dispute settlement, including appropriate electronic means. Member States shall encourage bodies responsible for the out-of-court settlement of, in particular, consumer disputes to operate in a way which provides adequate procedural guarantees for the parties concerned. Member States shall encourage bodies responsible for out-of-court dispute settlement to inform the Commission of the significant decisions they take regarding information society services and to transmit any other information on the practices, usages or customs relating to electronic commerce. The code of conduct set up by FEDMA in 2000 is part of the wider FEDMA initiative "Ring of Confidence", whose overall aim is to establish a comprehensive self-regulatory system for e-commerce. The code, which is based on existing international, European and national codes, and relevant European Union regulations, covers commercial offers, contractual information, the need for financial security, data protection, the protection of children, redress mechanisms, monitoring and enforcement. The code is intended as both a stand-alone European code for FEDMA's members and any other organisation doing business by e-commerce, as well as a basis for national codes operated by the direct marketing associations. The Code contains provisions on the following: Operational Transparency; Commercial Offers and Contractual Information; Commercial Communications; Transactional Security; Data Protection and Consumer Privacy; Protection of Children; Redress Mechanism; Monitoring and Enforcement; Applicable Law.Type of Instrument(s)Code of conduct.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=48> |  |
| EuroCommerce | EUROPEAN CODE OF CONDUCT FOR ON-LINE COMMERCIAL RELATIONS(APRIL 2000)Article 5Performance of contractThe company agrees to perform the order within the agreed time-span or within a timespan not over 30 days, starting from the day the customer transmitted the order to the company.Should the originally fixed time-span lapse or should the product have become unavailable during handling, the company shall clearly propose a new date for delivery, including a proposal for the customer to withdraw and/or to obtain reimbursement. This shall be addressed to the customer before the originally fixed time-span has lapsed.Should it become partly or totally impossible for the company to perform because of unavailability of product, the customer shall be informed of such unavailability and be reimbursed of all sums he has already paid, as soon as possible and, in any event, at the latest within 30 days of the date on which he was to be due to have received the product.The company shall deliver the product(s) in compliance with the order. To be considered compliant with the order, the product(s) must:- correspond to the description shown on the company’s website- be suited for the use to which it is normally and commonly intended according to its nature, or for which the customer has informed the company that he intends to use it- present the characteristics normally featured by a product of the same type and which the customer may reasonably expect considering the nature of the product and the information concerning it which was made public by the company, notably through advertising and labelling. If the product is not in compliance with the order, the customer may resort to the rights which he is granted in the guarantee (see Article 9).Furthermore, companies adhering to the present Code of Conduct will not deliver any unsolicited product to the customer for which payment is requested.(p.3,4)Article 8«Money-back guarantee»Should the customer make use of the right of withdrawal, the companies adhering to the present Code of Conduct shall under all circumstances reimburse the customer of all payments made, free of charge. The only charges paid by the customer may be those directly connected with the return of the goods. However, any charges connected with the return of substitute products which have been delivered according to article 6, are borne by the company.The companies adhering to the present Code of Conduct shall proceed to the reimbursement as soon as possible and, in any event, within 30 days counted from the date the returned product was received by the company.(p.4,5)Article 11Handling of complaints and out-of-court settlement of litigationThe company shall provide the customer with detailed information on the handling of complaints and on out-of-court settlement of litigation, if available, in the language that the customer has chosen for consulting the website and for ordering.a) Handling of complaintsIn case of complaint, the customer must first apply to the Customer Service made available to him by the company. The company shall handle the complaint within 15 days, counted from the day it was introduced.Should the company be unable to find a solution during this period, it shall inform the customer accordingly and indicate the time-span necessary for dealing definitively with the complaint. This time-span shall not exceed 30 days.b) Out-of-court settlement of litigationShould the customer not be satisfied with the reply or the arrangement proposed by the company, the customer is free to bring the complaint before the body indicated by the company, which is in charge of settling litigation out of court.c) EUROCOMMERCE complaint formTo facilitate the relationship between the customer and the company and/or thecustomer and the body responsible for out-of-court settlement of litigation, the company shall supply – in electronic format – the complaint form annexed to the present Code of Conduct.d) Cross-border litigation(…)Should the customer resort to a settlement on the basis of personal agreement and/or out-of-court action, this does not deprive him of the right to access the competent legal authorities according to the international Conventions in force.Article 12LogoNational Associations adhering to the present Code of Conduct shall- control that the participating national companies and/or affiliated bodies complywith the rules in the present Code of Conduct- be able to stipulate at the level of the national participating companies and/oraffiliated bodies, in the interest of supplementary protection of their customers,stricter rules than those laid down in the present Code of Conduct- be the sole bodies authorised to utilise the Logo (XX) and the complaint form (YY) and to allow the utilisation of these by the participating national companies and/or affiliated bodies.(p.6)<http://www.eesc.europa.eu/resources/docs/047-private-act.pdf> | Objective(s)Enable on-line commerce to grow; foster a culture of entrepreneurship; reduce the administrative burden; improve the quality of legislation.Type of Instrument(s)Code of conduct<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=47> |  |
| Interactive Software Federation of Europe (ISFE) | CODE OF CONDUCT FOR THE EUROPEAN INTERACTIVE SOFTWARE INDUSTRYREGARDING AGE RATING LABELLING, PROMOTION AND ADVERTISING OFINTERACTIVE SOFTWARE PRODUCTSArticle 10 : COMPLAINTS BOARD (‘PCB’)An independent Complaints Board is established with regard to this Code of Conduct with the following tasks in mind:- handling possible complaints about the consistency of advertising, marketing and promotional activities of any company participating to this Code with the age rating finally attributed or likely to be attributed under the ISFE age rating system;- handling possible rating conflicts between publishers and the administrator of the system, and process age rating complaints by consumers. The PCB will draw on similar expertise to the PAB.(p.4)<http://www.eesc.europa.eu/resources/docs/041-private-act.pdf>DECISION No 854/2005/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2005 establishing a multiannual Community Programme on promoting safer use of the Internet and new online technologiesTHE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,Having regard to the Treaty establishing the European Community, and in particular Article 153(2) thereof,Having regard to the proposal from the Commission,Having regard to the opinion of the European Economic and Social Committee[(1)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr1-L_2005149EN.01000101-E0001),After consulting the Committee of the Regions,Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr2-L_2005149EN.01000101-E0002),Whereas:

|  |  |
| --- | --- |
| 1 | Internet penetration and the use of new technologies such as mobile phones are still growing considerably in the Community. Alongside this, dangers, especially for children, and abuse of those technologies continue to exist, and new dangers and abuses are emerging. In order to encourage the exploitation of the opportunities offered by the Internet and new online technologies, measures are also needed to promote their safer use and protect the end-user from unwanted content. |
| 2 | The eEurope 2005 Action Plan, developing the Lisbon strategy, aims to stimulate secure services, applications and content based on a widely available broadband infrastructure. Among its objectives, are a secure information infrastructure, the development, analysis and dissemination of best practices, benchmarking and a coordination mechanism for e-policies. |
| 3 | The legislative framework being established at Community level to deal with the challenges of digital content in the Information Society now includes rules relating to online services, notably those on unsolicited commercial e-mail in the Directive on privacy and electronic communications[(3)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr3-L_2005149EN.01000101-E0003) and on important aspects of the liability of intermediary service providers in the Directive on electronic commerce[(4)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr4-L_2005149EN.01000101-E0004), and recommendations for Member States, the industry and parties concerned and the Commission, together with the indicative guidelines on the protection of minors, in Recommendation 98/560/EC[(5)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr5-L_2005149EN.01000101-E0005). |
| 4 | There will be a continued need for action both in the area of content which is potentially harmful to children or unwanted by the end-user and in the area of illegal content, in particular child pornography and racist material. |
| 5 | Reaching international agreement on legally binding basic rules is desirable but will not be easily achieved. Even if such agreement is reached, it will not be enough in itself to ensure that the rules are implemented or that those at risk are protected. |
| 6 | The Safer Internet Action Plan (1999 to 2004) adopted by Decision No 276/1999/EC[(6)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr6-L_2005149EN.01000101-E0006) has provided Community financing, which has successfully encouraged a variety of initiatives and has given European added value. Further funding will help new initiatives to build on the work already accomplished. |
| 7 | Practical measures are still needed to encourage reporting of illegal content to those in a position to deal with it, to encourage assessment of the performance of filter technologies and the benchmarking of those technologies, to spread best practice for codes of conduct embodying generally agreed canons of behaviour, and to inform and educate parents and children on the best way to benefit from the potential of new online technologies in a safe way. |
| 8 | Action at Member State level involving a wide range of actors from national, regional and local government, network operators, parents, teachers and school administrators is essential. The Community can stimulate best practice in Member States by carrying out an orientation role both within the European Union and internationally and providing support for European-level benchmarking, networking and applied research. |
| 9 | International cooperation is also essential and can be stimulated, coordinated, relayed and implemented by action through the Community networking structures. |
| 10 | The measures that the Commission is empowered to adopt under the implementing powers, conferred on it by this Decision, are essentially management measures relating to the implementation of a programme with substantial budgetary implications within the meaning of Article 2(a) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(7)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr7-L_2005149EN.01000101-E0007). Those measures should therefore be adopted in accordance with the management procedure provided for in Article 4 of that Decision. |
| 11 | The Commission should ensure complementarity and synergy with related Community initiatives and programmes, including, inter alia, by taking into account the work performed by other bodies. |
| 12 | This Decision lays down, for the entire duration of the programme, a financial framework constituting the prime reference, within the meaning of point 33 of the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure[(8)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr8-L_2005149EN.01000101-E0008), for the budgetary authority during the annual budgetary procedure. |
| 13 | Since the objectives of this Decision, namely to promote safer use of the Internet and new online technologies and to fight against illegal content and content unwanted by the end-user, cannot be sufficiently achieved by the Member States owing to the transnational character of the issues at stake and can, therefore, by reason of the European scale and effects of the actions, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives. |
| 14 | This Decision respects the fundamental rights and observes the principles reflected in the Charter of Fundamental Rights of the European Union, in particular Articles 7 and 8 thereof, |

HAVE DECIDED AS FOLLOWS:ANNEX IACTIONS1.   ACTION 1: FIGHTING AGAINST ILLEGAL CONTENTHotlines allow members of the public to report illegal content. They pass the reports on to the appropriate body (an Internet Service Provider (ISP), the police or a correspondent hotline) for action. Civilian hotlines complement police hotlines, where these exist. Their role is distinct from that of the law enforcement authorities, since they do not investigate offences or arrest or prosecute offenders. They may constitute centres of expertise providing guidance to ISPs as to what content might be illegal.The existing hotline network is a unique structure that would not have been set up without Community funding. As pointed out in the 2002 evaluation report for the Safer Internet Action Plan, the network has been very successful in expanding membership and has an international reach. In order for the hotlines to develop their full potential, it is necessary to ensure Europe-wide coverage and cooperation, and to increase effectiveness through exchange of information, best practice and experience. Community funds should also be used to raise public awareness of the hotlines, thereby making them more effective.Funding will be provided for hotlines, selected following a call for proposals, to act as nodes of the network and to cooperate with the other nodes within the European network of hotlines.If necessary, telephone helplines could be supported, where children could raise concerns about illegal and harmful content on the Internet.For the purpose of evaluating the effectiveness of hotlines, several indicators should be taken into account. Qualitative and quantitative data should be collected on the establishment and operation of hotlines, the number of national nodes, the geographical coverage in the Member States, the number of reports received, the number and level of experience of hotline staff, the reports forwarded for action to the public authorities and ISPs, and, to the extent available, action taken as a result, in particular the number and kind of web pages withdrawn by ISPs as a result of information provided by the hotlines. Those data should be made public if possible and should be forwarded to the competent authorities.To ensure that the programme is effective, hotlines are required in all Member States and candidate countries where none currently exist. These new hotlines must be incorporated quickly and effectively into the existing European network of hotlines. Incentives must be given to speed up the process of setting up hotlines. Links between this network and hotlines in third countries (particularly in other European countries where illegal content is hosted and produced) should be promoted, enabling common approaches to be developed and know-how and best practice to be transferred. In accordance with national legislation, and where appropriate and necessary, mechanisms for cooperation between civilian hotlines and law enforcement authorities must be further improved, including, for example, the development of codes of conduct for such hotlines. Where appropriate, there may be a need for hotline staff to receive legal and technical training. Active participation by hotlines in networking and cross-border activities will be mandatory.Hotlines should be linked to Member State initiatives, supported at national level and should be financially viable to ensure continued operation beyond the duration of this Programme. Co-funding is intended for civilian hotlines and therefore will not be provided for hotlines run by the police. Hotlines will make clear to users the difference between their activities and those of public authorities, and will inform them of the existence of alternative ways of reporting illegal content.In order to achieve maximum impact and effectiveness with available funding, the hotline network must operate as efficiently as possible. This can best be achieved by assigning a coordinating node to the network, which will facilitate agreement between the hotlines so as to develop European-level guidelines, working methods and practices which respect the limits of the national laws applying to the individual hotlines.The coordinating node will:

|  |  |
| --- | --- |
| — | promote the network as a whole, so as to generate European-level visibility and raise public awareness thereof throughout the European Union, providing e.g. a single identity and entry point giving straightforward access to the appropriate national contact, |
| — | make contact with appropriate bodies with a view to completing the network’s coverage in the Member States and candidate countries, |
| — | improve the operational effectiveness of the network, |
| — | draw up best practice guidelines for hotlines and adapt them to new technology, |
| — | organise regular exchanges of information and experience between hotlines, |
| — | provide a pool of expertise for advice and a coaching process for start-up hotlines, particularly in candidate countries, |
| — | ensure liaison with hotlines in third countries, |
| — | maintain a close working relationship with the awareness-raising coordinating node (see point 4 below) so as to ensure the cohesion and effectiveness of overall programme operations and increase public awareness of the hotlines,  |
| — |  Participate in the Safer Internet Forum and other relevant events, coordinating input/feedback from hotlines. |

The coordinating node will monitor the effectiveness of hotlines and collect accurate and meaningful statistics on their operation (number and type of reports received, action taken and result, etc.). These statistics should be comparable across Member States.The hotline network should ensure coverage of and the exchange of reports on the major types of illegal content of concern — extending beyond the area of child pornography. Different mechanisms and expertise may be required to deal with other areas such as racist content, which might involve other types of node dealing with the various issues. Since the financial and administrative resources of the programme are limited, not all such nodes would necessarily receive funding, which might have to be concentrated on a reinforced role for the coordinating node in those areas.2.   ACTION 2: TACKLING UNWANTED AND HARMFUL CONTENTIn addition to action to fight illegal content at its source, users, responsible adults where the users are minors, may need technical tools. Accessibility to these tools may be promoted in order to enable users to make their own decisions on how to deal with unwanted and harmful content (user empowerment).Further funding should be provided to increase the information available on the performance and effectiveness of filtering software and services to allow users to make an informed choice. User organisations and scientific research institutes can be valuable partners in this effort.Rating systems and quality labels, in combination with filtering technologies, can help to enable users to select the content they wish to receive and provide European parents and educators with the necessary information to make decisions in accordance with their cultural and linguistic values. Taking account of the results of previous projects, funding could be given to projects which aim to adapt rating systems and quality labels to take account of the convergence of telecommunications, audio-visual media and information technology and to self-regulatory initiatives to back up the reliability of self-labelling and services for assessing the accuracy of self-rating labels. Further work may also be needed to encourage take-up of rating systems and quality labels by content providers.It would be desirable to try to take account of safe use by children when developing new technologies, instead of trying to deal with any consequences of the new technologies after they have been devised. The safety of the end-user is a criterion to be taken into account along with technical and commercial considerations. One way of doing this would be to foster an exchange of views between child welfare specialists and technical experts. However, account should be taken of the fact that not every product developed for the online world is intended for use by children.The programme will therefore provide funding for technological measures which meet the needs of users and enable them to limit the amount of unwanted and harmful content, and manage the unwanted spam, which they receive, including:

|  |  |
| --- | --- |
| — | assessing the effectiveness of available filtering technology and providing this information to the public in a clear, simple way that facilitates comparison, |
| — | facilitating and coordinating exchanges of information and best practices on effective ways of tackling unwanted and harmful content, |
| — | increasing take-up of content rating and quality site labels by content providers and adapting content rating and labels to take account of the availability of the same content through different delivery mechanisms (convergence), |
| — | if necessary, contributing to the accessibility of filter technology notably in languages not adequately covered by the market. Where appropriate, the technologies used should safeguard the right to privacy pursuant to Directives 95/46/EC[(1)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr1-L_2005149EN.01000501-E0001) and 2002/58/EC. |

The use of technological measures which enhance privacy will be encouraged. Activities under this action will take fully into account the provisions of Council Framework Decision 2005/222/JHA of 24 February 2005 on attacks against information systems[(2)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr2-L_2005149EN.01000501-E0002).Implementation of this action will be closely coordinated with the actions on promoting a safer environment (self-regulatory action) and awareness-raising (informing the public about how to deal with unwanted and harmful content).3.   ACTION 3: PROMOTING A SAFER ENVIRONMENTA fully functioning system of self-regulation is an essential element in limiting the flow of unwanted, harmful and illegal content. Self-regulation involves a number of components: consultation and appropriate representation of the parties concerned; codes of conduct; national bodies facilitating cooperation at Community level; and national evaluation of self-regulation frameworks[(3)](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML#ntr3-L_2005149EN.01000501-E0003). There is a continuing need for Community work in this area to encourage the European Internet and new online technologies industries to implement codes of conduct.The Safer Internet Forum developed in 2004 under the Safer Internet Action Plan is to become a discussion forum including representatives of industry, law enforcement authorities, policy-makers and user organisations (e.g. parent and teacher organisations, child protection groups, consumer protection bodies and civil and digital rights organisations). It will provide a platform for national co-regulatory or self-regulatory bodies to exchange experience and an opportunity to discuss ways in which industry can contribute to the fight against illegal content.The Safer Internet Forum will provide a focal point for discussion at expert level and a platform to drive consensus, inputting conclusions, recommendations, guidelines etc. to relevant national and European channels.The Safer Internet Forum will span all the actions, facilitating discussion and stimulating action relevant to illegal, unwanted and harmful content. Consisting of plenary sessions and, where necessary for specific issues, working groups with clear objectives and deadlines, it will be a meeting place for actors from all areas, including government agencies and programmes, standards bodies, industry, services within the Commission and user organisations (e.g. parent and teacher organisations, child protection groups, consumer protection bodies and civil and digital rights organisations). The Forum will provide an opportunity for people, active at national and European level, especially those involved in Member State programmes and initiatives, to exchange views, information and experience. Where appropriate, the Safer Internet Forum should exchange information and cooperate with relevant organisations active in related areas, such as network and information security.The Safer Internet Forum will have the specific objectives of:

|  |  |
| --- | --- |
| 1. | stimulating networking of the appropriate structures within Member States and developing links with self-regulatory bodies outside Europe; |
| 2. | stimulating consensus and self-regulation on issues such as quality rating of websites, cross-media content rating, rating and filtering techniques, extending them to new forms of content such as online games and new forms of access such as mobile phones; |
| 3. | encouraging service providers to draw up codes of conduct on issues such as handling notice and take down procedures in a transparent and conscientious manner and informing users about safer use of Internet and the existence of hotlines for reporting illegal content;  |
|  | Promoting research into the effectiveness of rating projects and filtering technologies. User organisations and scientific research institutes can be valuable partners in this effort. |

Results and findings from ongoing and completed projects co-funded by the programme will feed into the process. By providing an open platform, the Forum will help to raise levels of awareness and attract the involvement of the candidate countries and other third countries, providing an international arena to address a global problem. It will, therefore, ensure that key associations, such as user organisations (e.g. parent and teacher organisations, child protection groups, consumer protection bodies and civil and digital rights organisations), industries and public bodies are aware of, are consulted on and contribute to safer-use initiatives within the Community and internationally.Participation in the Safer Internet Forum will be open to interested parties from outside the Community and candidate countries. International cooperation will be enhanced by a round table linked to the Forum in order to ensure regular dialogue on best practice, codes of conduct, self-regulation and quality ratings. The Commission will ensure that synergies with related fora and similar initiatives are fully exploited.A call for tenders may be organised in order to provide a secretariat to support the Safer Internet Forum, including subject-field experts, to suggest themes of study, prepare working papers, moderate discussions and record conclusions.A further type of activity attracting financial support at Community level could for instance include self-regulatory projects to devise cross-border codes of conduct. Advice and assistance may be provided so as to ensure cooperation at Community level through networking of the appropriate bodies within Member States and candidate countries and through systematic review and reporting of relevant legal and regulatory issues, to help develop methods of assessment and certification of self-regulation, to provide practical assistance to countries wishing to set up self-regulatory bodies and to expand links with self-regulatory bodies outside Europe.4.   ACTION 4: AWARENESS-RAISINGAwareness-raising actions should address a range of categories of illegal, unwanted and harmful content (including, for example, content considered unsuitable for children and racist and xenophobic content) and, where appropriate, take into account related issues of consumer protection, data protection and information and network security (viruses/spam). They should deal with content distributed over the World Wide Web as well as new forms of interactive information and communication brought about by the rapid spread of the Internet and mobile telephony (e.g. peer-to-peer services, broadband video, instant messaging, chatrooms, etc.).The Commission will continue to take steps to encourage cost-effective means of distribution of information to large numbers of users, notably by using multiplier organisations and electronic dissemination channels, so as to reach the intended target groups. The Commission could consider in particular the use of mass media and distribution of information material to schools and Internet cafés.The programme will provide support to appropriate bodies, which will be selected following an open call for proposals to act as awareness-raising nodes in each Member State and candidate country and, which will carry out awareness-raising actions and programmes in close cooperation with all relevant actors at national, regional and local levels. European added value will be provided by a coordinating node, which will liaise closely with other nodes to ensure that best practice is exchanged.Bodies seeking to act as awareness-raising nodes will need to show that they have the strong support of national authorities. They should have a clear mandate to educate the public in safer use of the Internet and new online technologies or in media and information literacy, and must have the necessary financial resources to implement that mandate.Awareness-raising nodes will be expected to:

|  |  |
| --- | --- |
| — | devise a cohesive, hard-hitting and targeted awareness-raising campaign using the most appropriate media, taking into account best practice and experience in other countries, |
| — | establish and maintain a partnership (formal or informal) with key players (government agencies, press and media groups, ISP associations, user organisations, education stakeholders) and actions in their country relating to safer use of the Internet and new online technologies, |
| — | promote dialogue and exchange of information notably between stakeholders from the education and technological fields, |
| — | where appropriate, cooperate with work in areas related to this programme such as in the wider fields of media and information literacy or consumer protection, |
| — | inform users about European filtering software and services and about hotlines and self-regulation schemes, |
| — | actively cooperate with other national nodes in the European network by exchanging information about best practices, participating in meetings and designing and implementing a European approach, adapted as necessary for national linguistic and cultural preferences, |
| — |  Provide a pool of expertise and technical assistance to start up awareness-raising nodes (new nodes could be ‘adopted’ by a more experienced node). |

To ensure maximum cooperation and effectiveness, the coordinating node will be funded to provide logistical and infrastructural support for nodes in each Member State, ensuring European-level visibility, good communication and exchange of experience so that lessons learnt can be applied on an ongoing basis (for instance by adapting material used for raising public awareness).The coordinating node should:

|  |  |
| --- | --- |
| — | provide effective communication and ensure that information and best practice are exchanged within the network, |
| — | provide training in safer use of the Internet and new online technologies for the staff of awareness-raising nodes (training for trainers), |
| — | provide technical assistance to candidate countries wishing to set up awareness-raising actions, |
| — | coordinate the provision by awareness-raising nodes of expertise and technical assistance to start up awareness-raising nodes, |
| — | propose indicators and manage the collection, analysis and exchange of statistical information about awareness-raising activities, so as to assess their impact, |
| — | provide infrastructure for a single, comprehensive transnational repository (web portal) of relevant information and awareness-raising and research resources with localised content (or local subsites, as appropriate), which may include news snippets, articles and monthly newsletters in several languages, and provide visibility for Safer Internet Forum activities, |
| — | expand links with awareness-raising activities outside Europe, |
| — |  Participate in the Safer Internet Forum and other relevant events, coordinating input/feedback from the awareness-raising network. |

Research will also be carried out on a comparable basis into the way people, especially children, use new online technologies. Further action at Community level could for instance include support for specific child-friendly Internet services or an award for the best awareness-raising activity of the year.<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32005D0854:EN:HTML> | Objective(s)Provide parents and educators with objective, intelligible and reliable information regarding the age category for which a given product is deemed suitable from the exclusive standpoint of its content; Secure the consistency of any advertising, marketing and promotional activities of interactive software products, with the basic aim of informing the public on the content of products in a responsible manner; Reflects the interactive software industry's commitment not to put on the market interactive software products likely to be in breach of human decency.Type of Instrument(s)Code of conduct.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=41> |  |
| Directive No 2004/12/EC of 11.02.2004 amending Directive No 94/62/EC on packaging and packaging waste | European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste Official Journal L 365 , 31/12/1994 P. 0010 - 002312. 'voluntary agreement` shall mean the formal agreement concluded between the competent public authorities of the Member State and the economic sectors concerned, which has to be open to all partners who wish to meet the conditions of the agreement with a view to working towards the objectives of this Directive.<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31994L0062:EN:HTML>DIRECTIVE 98/34/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCILof 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations9. ‘technical regulation’, technical specifications and other requirements, including the relevant administrative provisions, the observance of which is compulsory, de jure or de facto, in the case of marketing or use in a Member State or a major part thereof, as well as laws, regulations or administrative provisions of Member States, except those provided for in Article 10, prohibiting the manufacture, importation, marketing or use of a product. De facto technical regulations include:— laws, regulations or administrative provisions of a Member State which refer either to technical specifications or other requirements or to professional codes or codes of practice which in turn refer to technical specifications or other requirements and compliance with which confers a presumption of conformity with the obligations imposed by the aforementioned laws, regulations or administrative provisions,— voluntary agreements to which a public authority is a contracting party and which provide, in the public interest, for compliance with technical specifications or other requirements, excluding public procurement tender specifications, — technical specifications or other requirements which are linked to fiscal or financial measures affecting the consumption of products by encouraging compliance with such technical specifications or other requirements; technical specifications or other requirements linked to national social-security systems are not included.This comprises technical regulations imposed by the authorities designated by the Member States and appearing on a list to be drawn up by the Commission before 1 July 1995, in the framework of the Committee referred to in Article 5. The same procedure shall be used for amending this list;(L 204/40)Article 92. Member States shall postpone:— for four months the adoption of a draft technical regulation in the form of a voluntary agreement within the meaning of Article 1(9), second indent,— without prejudice to paragraphs 3, 4 and 5, for six months the adoption of any other draft technical regulation, from the date of receipt by the Commission of the communication referred to in Article 8(1) if the Commission or another Member State delivers a detailed opinion, within three months of that date, to the effect that the measure envisaged may create obstacles to the free movement of goods within the internal market.The Member State concerned shall report to the Commission on the action it proposes to take on such detailed opinions. The Commission shall comment on this reaction.Article 101. Articles 8 and 9 shall not apply to those laws, regulations and administrative provisions of the Member States or voluntary agreements by means of which Member States:— comply with binding Community acts which result in the adoption of technical specifications,— fulfil the obligations arising out of international agreements which result in the adoption of common technical specifications in the Community,— make use of safeguard clauses provided for in binding Community acts,— apply Article 8(1) of Directive 92/59/EEC (1),— restrict themselves to implementing a judgment of the Court of Justice of the European communities, — restrict themselves to amending a technical regulation within the meaning of Article 1(9) of this Directive, in accordance with a Commission request, with a view to removing an obstacle to trade.3. Article 9(3) to (6) shall not apply to the voluntary agreements referred to in Article 1(9), second indent.(L 204/43,44)<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:204:0037:0048:EN:PDF> | Objective(s)Environmental objective by increasing recycling Internal Market objective. Directive No 2004/12/EC on packaging and packaging waste provides for the possibility for Member States to transpose specific provisions "by means of agreements between the competent authorities and the economic operators concerned", "provided that the objectives set out in the Directive are achieved". These agreements must meet the following conditions: "such agreements shall be enforceable. They must specify objectives with the corresponding deadlines. They must be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission."Type of Instrument(s)Contractual agreements<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=34> | Conformity Study for LuxembourgDirective 2004/12/ECon packaging and packaging waste<http://www.clientearth.org/aarhus-centre-documents/berthier-gestdem-2010-4370/table-1-full-access-conformity-check-studies/37-Conformity-study-Directive-2004-12-LU/CS%20Directive%202004-12%20LU.pdf>Demonstrating Compliance with the EU Packaging and Packaging Waste Directive<http://www.packaginglaw.com/2604_.shtml>1. STATUTORY INSTRUMENTS
2. S.I. No. 308 of 2006

WASTE MANAGEMENT (PACKAGING) (AMENDMENT) REGULATIONS 2006[http://www.environ.ie/en/Legislation/Environment/Waste/WasteManagement/FileDownLoad,1448,en.pdf](http://www.environ.ie/en/Legislation/Environment/Waste/WasteManagement/FileDownLoad%2C1448%2Cen.pdf) |
| The European Council of Vinyl Manufacturers (ECVM), The European Council for Plasticisers and Intermediates (ECPI), The European Stabilisers Producers Associations (ESPA), European Plastics Converters (EuPC) | VINYL 2010 - KEY MILESTONES OF THE VOLUNTARY COMMITMENT OF THE PVC INDUSTRY - THE MID TERM REVIEWPlanned from the outset in 2000, the purpose of the mid-term review in 2005 was to update the initial engagements of the Voluntary Commitment in line with experience and changes in circumstances on the ground.Experience and insights on waste managementThe PVC industry supports an integrated waste management approach, which aims to maximise the efficient use of raw materials and utilise the best end-of-life treatment option per waste stream.Subsequent to the publication of the Voluntary Commitment in 2000, data from studies commissioned by Vinyl 2010 and practical experience show that the volumes of available collectable PVC post consumer waste are lower than previously estimated. The principal reasons are the longer in-service life of several applications than initially forecasted, the continuing ready availability of cheap landfill options for waste disposal in most EU Member States and the direct re-use of some ‘end-of-life’ applications (e.g. window profiles).THE VOLUNTARY COMMITMENTIntroductionThe PVC industry (PVC manufacturers, PVC additive producers and PVC converters as represented by their European associations ECVM, ECPI3, ESPA, EuPC4) have united voluntarily to meet the challenge of sustainable development. The industry adopted an integrated approach to implement the concept of responsible cradle to grave management, culminating in the signature in March 2000 of a ‘Voluntary Commitment of the PVC Industry’.This Voluntary Commitment received a wide range of comments during an extensive phase of public and political consultation5 following the publication of the European Commission's Green Paper on PVC6.Vinyl 2010 is the legal entity putting into practice the promises of the Voluntary Commitment(p.4).ObjectivesThe chemical industry at large is committed to continuous improvement as defined by the concept of Responsible Care®, and realised by the implementation of product stewardship ideals. With the implementation of this Voluntary Commitment, the PVC industry continues its drive towards sustainable development by addressing all stages of the PVC life cycle, from manufacture to end-of-life.(p.5)Social progress and dialogueEuropean PVC industry employers (ECVM, ECPI and ESPA) and unions (EMCEF11) signed in October 2000 a social dialogue charter on issues surrounding the sector's future and their potential social effects on employees.Through this charter, the PVC industry commits in particular to:• The development of European health, safety and environmental standards.• Employees training.• Standards transfer to EU accession countries.• Dialogue on European works councils.The focus of activities has been to exchange information and best practices to improve social dialogue and standards of health, safety and environment in Central and Eastern Europe.Seminars have been held in Budapest and Riga.Vinyl 2010 is looking forwards to future events in continued close cooperation with EMCEF.MANAGEMENT, MONITORING AND FINANCIAL SCHEMERationale for a financial commitmentSufficient investment is important to underpin the PVC industry’s commitments. For this reason, the PVC industry will provide an adequate level of resources to support the Voluntary Commitment.ManagementThe PVC industry set up the formal legal entity, Vinyl 2010, to manage the Voluntary Commitment. The essential elements of this Commitment are verifiable objectives and quantifiable targets.These are set out via interim deadlines to provide a staged approach to reaching the ultimate objectives.Monitoring and reportingThorough and fully transparent annual reports containing detailed results have been published from 2000 to 2006. These will be continued.A Monitoring Committee composed of representatives of the European Commission, European Parliament, Trade Unions, Non-Governmental Organisations, and representatives of the four associations, was established and first met in 2003.The Committee is headed by Professor Alfons Buekens of the Free University of Brussels. Members review the achievement of the Voluntary Commitment each year as presented in the Progress Report. Members’ involvement, however, goes well beyond this, in terms of understanding in depth the technical, operational, economic and regulatory challenges faced by the programme and offering valuable advice. An independent third party (or parties) is chosen by the Monitoring Committee to verify and evaluate achievements. Comments and recommendations of the Monitoring Committee are published in the annual Progress Report that will be addressed to the European Union institutions. The Committee has reviewed and commented on the revision of the Voluntary Commitment as set out in this document.(p.9)<http://www.eesc.europa.eu/resources/docs/032-private-act--2.pdf>Brussels, 26.7.2000COM(2000) 469 finalGREEN PAPER - Environmental issues of PVC(presented by the Commission)2.2. Production processes of PVC and PVC compoundsMass production and use of PVC took off in the 1950s and 1960s, whereas the first industrial production started in the 1930s.World production of PVC today is at more than 20 million tonnes per year - up from 3 million tonnes in 1965 - which corresponds to about one fifth of the total plastic production. PVC is thus one of the most important synthetic materials. Production is mainly located in the US, Western Europe and Asia. Production in Western Europe in 1998 was 5.5 million tonnes (about 26% of the world production). Average growth rates of PVC production in recent years have been between 2 and 10%, with differences per region (higher in Asia, lower in Europe) and per application (higher for rigid, lower for flexible). Prices for virgin PVC are extremely cyclical due to variations in supply and demand and prices for the raw materials.Two main processes are used to produce PVC: suspension polymerisation of VCM(80%) and emulsion polymerisation (10%).The production of VCM from ethylene and chlorine, or ethylene and HCl respectively, takes place to a great extent in closed industrial processes. Emissions of chlorine, ethylene, ethylene dichloride, HCl, VCM and chlorinated by-products including dioxines to the working environment or the outdoor environment can occur (air and water). Several of these chemicals are well known toxic substances6and strict emission control measures are therefore necessary. Several Community Directives apply to PVC and VCM production processes7.As in other sectors of the chemical industry, continuous improvements in the production processes have taken place over the years. Best available technologies for the production of VCM and suspension PVC have been established, which have led to the adoption of a number of relevant emission limits in OSPAR Decisions (Convention for the protection of the marine environment of the north-east Atlantic) 8. A voluntary commitment was already signed in 1995 by the Association of European PVC producers (ECVM). In this industry charter for production of VCM and PVC (suspension), strict emission limits for a number of chemicals were set, which had to be complied with by 1998. Compliance was verified through an independent audit, which attested an overall compliance of 88% with all standards. ECVM has expressed its intention to achieve full compliance as soon as possible. In addition to the charter for VCM and suspension PVC production, ECVM signed in 1998 a charter for the production of emulsion PVC with strict emission limits for VCM to air and water, and VCM content of the final polymer. Those companies, which, although already complying with existing national and local regulations or requirements, do not yet comply with the stricter limits of the voluntary charter, committed themselves to do so by 2003. An independent external verification is scheduled for early 2004.Raw PVC is processed into finished products in several steps. The addition of the necessary additives is called PVC-compounding. PVC is a thermoplastic material, i.e. upon heating it melts and can then be brought into many forms and shapes through various processes. After cooling, the material regains its original properties.A large number of different methods that use this principle are employed in the transformation of PVC, notably extrusion, calendaring, injection moulding, blow moulding, rotation moulding, thermoforming, and film blowing.During compounding and further transformation, emissions of a number of dangerous substances and therefore exposure of workers can occur. Compounding of PVC powder and additives (also in powder form or liquid) is usually carried out in closed equipment. Exposure of workers can occur when dosing the compounds in the mixer. This can be eliminated or reduced to a minimum in accordance with the provisions of Council Directive 98/24/EC9on the protection of the health and safety of workers from the risks related to chemical agents at work.In cases of over-heating during conversion of PVC through heating, forming and cooling, there is a risk of emission of a number of degradation compounds, where HCl is the most important one. However, the amounts generated are small and have a low potential of adverse effects on the environment. The amounts of VCM rest monomer emitted during the conversion are considered to be very low10. The emissions of stabilisers and plasticisers are also small if appropriate measures are taken. In general, workforce protection measures have to be taken, in order to comply with the existing legislation on workers and environment protection.(p.5,6)In March 2000, the PVC industry (PVC manufacturers, PVC additive producers and PVC converters represented by their European associations (ECVM, ECPI, ESPA, EuPC36) combined to sign a voluntary commitment with the declared objective to “meet the challenge of sustainable development”, through adopting “an integrated approach to deliver the concept of responsible cradle to grave management.”The signatories represent more than 98% of PVC polymer, additives and compound producers, and between 60 to 80% of the transformers of window frames and pipes.The voluntary commitment addresses different impacts of PVC on the environment, and includes a plan for the various actions envisaged (reduction of emissions at the production stage, limitations on the use of cadmium, progressive implementation of recycling targets), as well as financial commitments involving the creation of a fund designed to finance relevant research projects. The main actions envisaged relate to:(p.11)Issues for considerationThe Commission considers, on the basis of the above-mentioned analysis, that the contamination of the environment by lead and cadmium should be avoided as much as possible. The Commission is in favour of a reduction of the use of cadmium and lead as stabilisers in PVC products. A number of measures could be envisaged and should be assessed in the light of their potential environmental and economic implications.1. Legislative phase-out or other risk reduction measures for cadmium and/or lead with the possibility of temporary derogations2. Implementation of the voluntary commitment of the PVC industry on cadmium3. Development of further voluntary commitments for lead.Question n°1:Which set of measures should be implemented to address the issue of the use of lead and cadmium in new PVC? According to which timeframe?(p.13)Issues for consideration:The Commission considers, on the basis of the above-mentioned analysis and given the present low recycling rate, that recycling of PVC should be increased.This could be done through a range of measures, which could be used separately or in combination. Their potential environmental and economic implications should be assessed. These potential measures include:1. Mandatory collection and recycling targets for some relevant PVC waste streams2. Voluntary commitment of the industry to improve and finance, totally or partially, the collection and the recycling of some relevant PVC waste streams3. Recommendations to Member States with the objective of establishing and developing separate collection of PVC waste and other demolition waste4. Development of appropriate standards that allow the use of recycled PVC materials5. Marking of plastic products as a useful tool to facilitate the separation of PVC waste from the general waste stream and development of other methods for plastic identification and sorting6. Development of innovative recycling processes for certain post-consumer PVC waste.Question n°3:Which set of measures would be the most effective to reach the objective of an increase of PVC recycling?(p.21-24)5. OTHER HORIZONTAL ASPECTS ON PVCThe analysis in this document focuses on two main aspects : the use of additives in PVC and the management of PVC waste. In addition, more general and horizontal aspects arise in the context of a broad consultation on PVC.Regarding the type of instruments to implement a horizontal Community strategy on PVC, a range of measures, mandatory and voluntary, is available:Voluntary approaches, including the implementation of existing voluntary commitments, at national and Community levels, as well as the development of new voluntary approaches. As mentioned previously, the European PVC industry has signed a voluntary commitment on the sustainable development of PVC. And while this can be seen as a first step there is still work to be done to ensure an effective participation by industry in achieving Community goals in this area. It should be underlined that the services of the Commission are currently preparing a Proposal for a framework Regulation concerning Community environmental agreements to be adopted by Council and Parliament.Legislative measures, such as a Proposal for a Directive on PVC, could be proposed in order to address issues related to management of PVC waste and other legislative measures to deal with the use of additives on the basis of all existing scientific evaluation, including the results of risk assessments.Recommendations could also be adopted to develop the implementation of aCommunity strategy.A mix of instruments could be proposed, integrating voluntary commitments, recommendations and regulations including the adaptation of existing legislation.Such a set of instruments would be in line with an approach, which aims at combining voluntary and binding instruments.Apart from an approach based on PVC waste management and additives, the question of a potential substitution policy for certain PVC applications has been raised in the context of promoting more sustainable products as part of an IntegratedProduct Policy. Such a substitution policy could be considered for specific applications, which can not be separated from the general waste stream and therefore are difficult to recycle such as in packaging, motor vehicles, electric and electronic equipment. A potential substitution policy would need to be underpinned by a comprehensive and objective assessment of the main environmental impacts both of PVC and of potential substitutes during their whole life cycle. The approach outlined in this document focuses on dealing with the environmental issues of PVC mainly through policies on additives and waste management.(p.33)<http://www.eesc.europa.eu/resources/docs/032a-private-act.pdf>Voluntary commitment on the pvc industry, March 2000<http://www.eesc.europa.eu/resources/docs/032aa-private-act--2.pdf> | Objective(s)Avoiding government regulation (further PVC ban); improving sector's image (showing that PVC industry is a responsible industry); increasing clients' trust in the quality of the products/services. The European associations of PVC manufacturers, PVC additive producers and PVC converters have signed an agreement setting principles, quantified targets and deadlines touching at manufacture, additives (plasticisers and stabilisers and waste management). The Voluntary commitment has been updated in 2006. This initiative is in line with article 3 of the Sixth Community Environment Action Programme 2002-2010. The later provides that "The aims and objectives set out in the Programme shall be pursued, inter alia, by ... improving collaboration and partnership with enterprises and their representative bodies and involving the social partners, consumers and their organisations, as appropriate, with a view to improving the environmental performance of enterprises and aiming at sustainable production patterns. This requires: ... encouraging voluntary commitments or agreements to achieve clear environmental objectives, including setting out procedures in the event of non-compliance .."PM. A voluntary commitment was already signed in 1995 by the Association of European PVC producers (ECVM). In this industry charter for production of VCM and PVC (suspension), strict emission limits for a number of chemicals were set, which had to be complied with by 1998. Compliance was verified through an independent audit, which attested an overall compliance of 88% with all standards. In addition to the charter for VCM and suspension PVC production, ECVM signed in 1998 a charter for the production of emulsion PVC with strict emission limits for VCM to air and water, and VCM content of the final polymer. PVC has been under scrutiny for many years and following several application specific legislative tools such as on end-of-life vehicles, waste electrical and electronic equipment as well as packaging. In 1997 the European Commission embarked upon an "horizontal initiative on PVC" to address all the concerns. The process ended with the publication of a Commission Green Paper mentioning that the PVC industry was proposing to voluntarily manage issues related to PVC (waste, use of additives, PVC manufacturing) -European Commission, Green Paper Environmental issues of PVC, COM(2000)469.Type of Instrument(s)Unilateral code of conduct<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=32> |  |
| Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulation |  Brussels, 18.10.2004COM(2004) 674 finalCOMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL2.2 Standardisation in support of the competitiveness of industryThe benefits of European standardisation go far beyond just supporting European legislation. The development of voluntary standards by stakeholders can provide further added value and increase competitiveness10. Standards have, since ancient times, been an integral part of the market system and have played a key role in advancing the wealth of nations. Standards tend to increase competition and allow lower output and sales cost, benefiting economies as a whole. Standards function by reducing variety, ensuring interoperability, maintaining quality, and providing information. A recent study issued by one of the major National Standards Bodies has asserted that in Europe standardisation adds approximately 1 % to the value of the gross domestic product11. It was also pointed out that the added value generated by standardisation is at least as important as the value generated by patents. This confirms why standardisation is so important for European policies. The Commission is well aware of these facts and has, consequently, incorporated the use of standards in various documents related to its policies.2.2.1 Improving the Internal Market for Goods and ServicesIn its Internal Market Strategy 2003-200612, the Commission has developed a ten point plan to make the Internal Market work better. Particular priorities include improving the free movement of goods and making the free movement of services a practical reality.The service sectors (e.g. business services, transport, energy, telecommunication, tourism and leisure) account for a large percentage of total employment (70% of overall employment is in market services) 13 in the market economy of the European Union. Nevertheless, the availability of voluntary standards in the area of services lags considerably behind the economic importance and potential of this area14. European standards are acknowledged as one of the measures able to enhance intra-EU trade on services and to foster competitiveness.Accordingly, the European Standards Organisations have been asked by the Commission to set up a programme in order to identify, together with stakeholders, priority areas for European standardisation and to initiate a dynamic process of standards setting at European level.In addition, the Commission notes with regret, despite the existence of a remarkable common set of standards, that the certification systems and national quality marks are still dispersed.Producers who wish to place their products on the EU market therefore often feel obliged to demonstrate the compliance of their product by affixing the relevant national certification mark. It would in particular be an enormous step forward to rely on a common European key mark system to provide a voluntary basis for compliance with voluntary standards. The European Standards Organisations, their national members, Member States and Stakeholders are invited to seek solutions as to how the approach in this area could be Improved(p.5)<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2004:0674:FIN:EN:PDF> | Objective(s)Promote the smooth functioning of the Internal Market; The Directive 98/34/EC provides for procedures when national standard is likely to distort the free movement of goods. The Commission can request harmonisation of the standards at the European level by granting, after consultation with the MS, mandates to the European standardisation bodies. It provides a framework for the interested parties, and encourages consensus on standards. The "New Approach", defined in a Council Resolution of May 1985, represents an innovative way of technical harmonisation. It introduces, among other things, a clear separation of responsibilities between the EC legislator and the European standards bodies CEN, CENELEC and ETSI in the legal framework allowing for the free movement of goods. EC directives define the "essential requirements", e. g. protection of health and safety, that goods must meet when they are placed on the market. The European standards bodies have the task of drawing up the corresponding technical specifications meeting the essential requirements of the directives, compliance with which will provide a presumption of conformity with the essential requirements. Such specifications are referred to as "harmonised standards". The Standing Committee delivers its opinion on the communications and proposals presented by the Commission and may in this connection propose, in particular, that the Commission request the European standards institutions to draw up a European standard within a given deadline. DG ENTR developed an instrument of cooperation in order to promote standardisation and ascertain the availability of the European standards in the legislative fields concerned.Type of Instrument(s)European standards, a technical specification approved by a recognised standardisation body for repeated or continuous application, with which compliance is not compulsory.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=16> | Brussels, 7.12.2011COM(2011) 853 finalREPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THECOUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEETHE OPERATION OF DIRECTIVE 98/34/EC IN 2009 AND 2010{SEC(2011) 1509 final}<http://ec.europa.eu/enterprise/tris/reps_2010_2009/EN.pdf> |
| Conseil Européen de la Construction d'appareils Domestiques - European Committee of Manufacturers of Domestic Equipment (CECED) | CECED Code of Conduct, Brussels November 2005<http://www.eesc.europa.eu/resources/docs/014-private-act.pdf> | Objective(s)The CECED Code of Conduct is a voluntary Code that responds to the desire of the CECED members to make an impact and promote fair and sustainable standards for working conditions, social compliance and environmental performance. The CECED Code of Conduct thus sets up the basis for its members to continuously improve the performance in their production and supply facilities worldwide. Member companies are free to introduce stricter practices than those required in the Code. The CECED member companies are strongly encouraged to subscribe to the Code by notifying this in writing to the CECED General Secretariat. Member companies of national associations are also invited to subscribe to the Code. CECED will publish the names of all subscribing companies on the CECED website. The principles enshrined in this Code apply directly to the entire signatory company. In addition, companies are expected to promote the application of the Code's principles throughout their supply chains.Type of Instrument(s)Code of conduct; (EU social dialogue text) <http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en>. The EU social partners pursued an autonomous dialogue following the process of social dialogue but resulting in 'new generation agreements or autonomous agreements'. These are not transposed into legal acts and therefore do not fall in the remit of traditional social dialogue. Autonomous agreements or new generation agreements are implemented by the procedures and practices specific to management, labour and the Member States.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=14> | HOUSEHOLD APPLIANCE INDUSTRY AT THE FOREFRONT OF RESPONSIBLE BUSINESS -CECED CODE OF CONDUCT LAUNCHED<http://www.ceced.eudata.be/ICECED/easnet.dll/GetDoc?APPL=1&DAT_IM=033163> |
| Comité européen des fabricants de sucre European Federation of Food, Agriculture and Tourism | CORPORATE SOCIAL RESPONSIBILITY IN THE EUROPEAN SUGAR INDUSTRY CODE OF CONDUCT I - INTRODUCTION Corporate Social Responsibility in the European Sugar Industry is a framework within which we as a sector have voluntarily decided to promote social development as well as respect for fundamental rights. Through the creation of this framework we recognise that Corporate Social Responsibility is becoming increasingly important and thus commit ourselves to pursue and demonstrate the overall sustainability of the sugar industry1. As an industry, our companies are not only responsible for their products and services but also for the conditions under which they are produced. For a number of years the European Sugar Industry has already given its support to a European social model through a whole series of guarantees going well beyond legal requirements. It is a social model in which the involvement of the employees in the social dialogue at all levels is one of the major elements. This is why the Social Partners decided to take a joint initiative on Corporate Social Responsibility. Now this CSR framework in the European Sugar Industry goes even further and sets voluntary minimum standards in a number of areas such as human rights, education and training, health and safety, pay and working conditions, restructuring, as well as relationship between social partners.Moreover, this framework has been created to serve as a vehicle for sharing experiences and will function as a source for learning to develop best practice throughout the whole European Sugar Industry as an inspiration for continuous improvement. Finally, it clearly positions the European Sugar Industry in relation to our stakeholders, be they employees, consumers, customers, shareholders, suppliers, public and financial authorities, the European Commission or the World Trade Organisation. Our vision for this work is to create added human and social value by incorporating Corporate Social Responsibility into all our activities. Our approach will be built upon a holistic view, transparency and an open dialogue with our stakeholders, also on other CSR issues and developments. II - MINIMUM STANDARDS The Members of the CEFS in the countries where the CEFS is represented undertake to comply with the minimum standards set out below and, as appropriate, to promote these standards beyond the area of activities for which the CEFS has a mandate (see Annex II). These voluntary standards of a general scope are usually much lower than the standards actually applicable in the Union. The respect of these standards shall not constitute a valid reason for reducing pre-existing higher standards, on the contrary.III - MONITORING, ASSESSMENT, UPDATING 1. The EFFAT and the CEFS will, within the context of their Sectoral Social Dialogue Committee, ensure the monitoring of the progressive implementation of this Code of Conduct and the regular updating of the examples of good practice. 2. To this effect the EFFAT and the CEFS will conduct a joint assessment of the implementation of the Code of Conduct at European level, in the form of an annual report covering the calendar year and to be presented in February of the following year, within the framework of the Sectoral Social Dialogue Committee, at a meeting specifically devoted to this subject 3. This annual report will be prepared on the basis of data collected by the European social partners. To this effect, every year the EFFAT and the CEFS will designate an ad hoc group which will be responsible for the process of collecting, preparing and presenting these data and including two Sectoral Committee members from each organisation. 4. This Code of Conduct will come into effect on January 1st 2004. The year preceding this date will be devoted to prepare for its implementation. The first report, to be presented in February 2004, will take stock of the activities undertaken so far and the monitoring structures jointly arranged at European level to ensure adequate communication, promotion and training on the CSR Code of Conduct. The examples of good practice will also be updated as needed. 5. To ensure a wide dissemination and good understanding of the Code of Conduct at national level, it will be translated into the different European languages by the national delegations. The French, English and German versions will be deemed authentic.<http://www.eesc.europa.eu/resources/docs/013-private-act.pdf> | Objective(s)Promote social development as well as respect for fundamental rights by setting voluntary minimum standards in a number of areas such as human rights, education and training, health and safety, pay and working conditions, restructuring, as well as relationship between social partners.Type of Instrument(s)Code of conduct (EU social dialogue text) <http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en>. The European Sugar Industry was the sector to agree on broad scale CSR minimum standards. The code of conduct came into effect on 1 January 2004.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=13> |  |
| Confederation of European Security Services - Uni-Europa |  “Code of conduct and ethics for the private security sector”<http://www.eesc.europa.eu/resources/docs/012-private-act-en.pdf> | Objective(s)The code contains principles linked to the selection and recruitment of workers, vocational training, working conditions, health and safety, equal opportunities and non-discrimination, work organisation and relations with customers, the police authorities and other undertakings in the sector. The code also lays down that, in countries where national regulations are insufficiently developed, the social partners will work to develop appropriate rules.Type of Instrument(s)(EU social dialogue text) <http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en>. The EU social partners pursued an autonomous dialogue following the process of social dialogue but resulting in 'new generation agreements or autonomous agreements'. These are not transposed into legal acts and therefore do not fall in the remit of traditional social dialogue. Autonomous agreements or new generation agreements are implemented by the procedures and practices specific to management, labour and the Member States. <http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=12> |  |
| The European Confederation of Woodworking Industries (CEI-BOIS) and the European Federation of Building and Woodworkers (EFBWW) | Code of ConductA Charter for the Social Partners in theEuropean Woodworking Industry<http://www.eesc.europa.eu/resources/docs/011-private-act.pdf> | Objective(s)These partners have decided to take action to promote a European woodworking industry that protects human rights and workers' rights in the framework of ILO conventions.Type of Instrument(s)Code of conduct (EU social dialogue text) <http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en>. The EU social partners pursued an autonomous dialogue following the process of social dialogue but resulting in 'new generation agreements or autonomous agreements'. These are not transposed into legal acts and therefore do not fall in the remit of traditional social dialogue. Autonomous agreements or new generation agreements are implemented by the procedures and practices specific to management, labour and the Member States.<http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=11> |  |
| UNI-Europa Hair and Beauty and the European Association of Hairdressers' Employers (CIC Europe) | CODE OF CONDUCTGUIDELINES FOR EUROPEAN HAIRDRESSERS"HOW TO GET ALONG CODE"an initiative supported by the European Commission26/06/01<http://www.eesc.europa.eu/resources/docs/008-private-act.pdf> | Objective(s)In the Communication, the Commission "welcomes the social partners' wish to pursue a more autonomous dialogue and to contribute to achieving the Lisbon objectives". That autonomous dialogue follows the process of social dialogue but the resulting 'new generation agreements or autonomous agreements' are not transposed into legal acts and therefore do not fall in the remit of traditional social dialogue. Autonomous agreements or new generation agreements are implemented by the procedures and practices specific to management, labour and the Member States. Code of conduct - "How to get along" - was signed by UNI-Europa Hair and Beauty and the European Association of Hairdressers' Employers (CIC Europe) on 26 June 2001. The guidelines emerged from the framework of social dialogue between unions and employers in the industry with the support of the European Commission. The recommended guidelines cover 400,000 hairdressing salons with a million workers in Europe and about 350 million potential customers. They are based on producing good working relations between employers and employees to produce well trained and motivated staff who will win and keep the confidence of customers. As a labour intensive industry unions and employers are also pressing national governments to help by keeping value added tax on hairdressing low. The code calls for a good working environment based on: profitability, fair wages and conditions, lifelong learning. A good working environment also depends on creativity and self-expression, says the Code, and wherever possible on job rotation and job enrichment. The guidelines also include general principles which cover child labour, reconciling family and professional life and the rights to join unions and collective bargaining. Type of Instrument(s)Code of conduct (EU social dialogue text) <http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en>. The EU social partners pursued an autonomous dialogue following the process of social dialogue but resulting in 'new generation agreements or autonomous agreements'. These are not transposed into legal acts and therefore do not fall in the remit of traditional social dialogue. Autonomous agreements or new generation agreements are implemented by the procedures and practices specific to management, labour and the Member States. <http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=8> |  |
| COTANCE (European Confederation of the Leather Industry) and the ETUF:TCL (European Trade Union Federation of Textiles, Clothing and Leather) | Code of Conduct in the Leather and Tanning sector<http://www.eesc.europa.eu/resources/docs/007-private-act.pdf> | Objective(s)Ban on forced and child labour, respect of freedom of association and right to collective bargaining, non discrimination of employment, decent working conditions and payment of a decent remuneration. Type of Instrument(s)The code of conduct was signed by COTANCE (European Confederation of the Leather Industry) and the ETUF:TCL (European Trade Union Federation of Textiles, Clothing and Leather) convened within the Social Sectoral Dialogue.(EU social dialogue text) <http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en> <http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=7> |  |
| Sectorial Social Dialogue Committee for the footwear industry, Employers' representatives: European Confederation of the Footwear Industry (CEC), Workers' representatives: European Trade Union Federation of Textiles, Clothing and Leather (ETUF:TCL) | CODE OF CONDUCTA charter of the social partnersin the footwear sector<http://www.eesc.europa.eu/resources/docs/006-private-act.pdf> | Objective(s)This Charter follows the Charter of ILO. It mainly seems to provide for workers that work for European companies based outside EU territories (third countries, emerging markets), because the workers' rights secured by this charter are already secured under the Community and MS legislation and Constitutions. Type of Instrument(s)(EU social dialogue text) <http://ec.europa.eu/employment_social/dsw/dspMain.do?lang=en>. The EU social partners pursued an autonomous dialogue following the process of social dialogue but resulting in 'new generation agreements or autonomous agreements'. These are not transposed into legal acts and therefore do not fall in the remit of traditional social dialogue. Autonomous agreements or new generation agreements are implemented by the procedures and practices specific to management, labour and the Member States. <http://www.eesc.europa.eu/?i=portal.en.smo-database&fiche=6> |  |

\_\_\_\_\_\_\_\_\_\_\_\_\_