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## EUROPEAN UNION ADVISORY AND CONSULTATIVE INSTITUTIONS AS CONSUMER POLICY ACTORS<sup>2</sup>

### Abstract

This article aims to present the core functions of the European Union’s advisory and consultative institutions as actors in EU consumer policy. It provides a description of the European Economic and Social Committee and EU non-governmental consumer organizations involved in the process of developing and implementing the European Union’s consumer policy. In the context of safeguarding consumer interests at the EU level, these institutions perform a primarily advisory and consultative role. Their role includes providing counselling and advice, as well as information and standardization activities, primarily by emphasizing the need to introduce legal measures that are appropriate for consumer safety.

**Keywords:** European Economic and Social Committee, consumer, consumer organizations, consumer protection, consumer policy, European Union

### Introduction

The European Union’s consumer policy is a set of legal and organizational activities undertaken by EU institutions and international consumer NGOs in accordance with the consumer policy programmes for a given period. Its aim is to protect consumer rights in the areas of health, economic interests, redress, information, education and organization<sup>3</sup>.

The creation of consumer legislation at the supranational level is a fundamental element of implementing the European Union’s consumer policy. To

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<sup>3</sup> M. Malczyńska-Biały, *Polityka konsumencka Unii Europejskiej po 2002 roku*, Rzeszów 2021, p. 65.

exercise the EU's competences in the field of consumer protection, institutions adopt secondary legislation in the form of regulations<sup>4</sup>, directives<sup>5</sup>, decisions<sup>6</sup>, recommendations and opinions<sup>7</sup>.

The entities involved in forming and implementing consumer policy can be classified into three groups. The first group consists of the institutions responsible for enacting consumer law within the EU: the European Parliament, the European Commission and the Council of the European Union. Their organizational structures include dedicated units focused on consumer issues during the lawmaking process. The second group comprises institutions with an advisory role, such as the European Economic and Social Committee, which operate within the EU's institutional framework, along with international consumer non-governmental organizations, such as the Bureau of Consumers and the European Association for the Coordination of Consumer Representation in Standardization. The case law of the Court of Justice of the European Union plays a vital role in shaping legal standards for consumer protection. Its primary duties include interpreting EU law, including consumer law, and ensuring its consistent application across all member states. It also resolves disputes between EU institutions and member states, as – in certain cases – individuals, businesses or organizations whose rights have been violated by EU bodies can bring actions before the Court.

Besides these direct actors in consumer policy, other entities within the EU also influence consumer protection. These include the European Ombudsman, whose primary role is to oversee the conduct of public administrations concerning consumers and to prevent violations of rights and freedoms. Additionally, the European Consumer Centres Network (ECC-Net) supports consumers through alternative dispute resolution mechanisms.

In addressing this research problem, I draw on the research methods and techniques relevant to the field of social sciences. The primary research method used in this article is dogmatic analysis, which was applied to examine the legal acts regulating the discussed issues. The article also employs

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<sup>4</sup> A. Zawidzka-Łojek, R. Maruszkin, *Prawo pochodne Unii Europejskiej*, [in:] *Podręcznik prawa Unii Europejskiej. Instytucje i porządek prawny. Prawo materialne*, eds A. Zawidzka-Łojek, A. Łazowski, Warszawa 2017, pp. 123-126.

<sup>5</sup> A. Makowska, *Sprzedaż konsumencka w prawie Unii Europejskiej i prawie polskim*, Toruń 2006, pp. 16-19.

<sup>6</sup> A. Zawidzka-Łojek, *Prawo pochodne Unii Europejskiej*, [in:] *Prawo Unii Europejskiej Vademecum. Instytucje i porządek prawny. Prawo materialne*, eds A. Zawidzka-Łojek, R. Grzeszczak, A. Łazowski, Warszawa 2014, pp. 146-147.

<sup>7</sup> Art. 288, Treaty on the Functioning of the European Union (Consolidated Version), O.J. C 326/47, 26.10.2012.

a comparative method to contrast specific activities undertaken by advisory and consultative bodies in the European Union's consumer policy.

## European Economic and Social Committee

Established in 1957, the European Economic and Social Committee (EESC) plays a unique role within the European institutional framework. It serves as the principal forum for the representation and discussion of organized civil society and a privileged venue for exchanges and debates between civil society and EU institutions. The advisory role of the European Economic and Social Committee enables its members, and thus the organizations they represent, to participate in the EU's decision-making process<sup>8</sup>.

According to Article 1 of the Rules of Procedure of the European Economic and Social Committee, its composition includes representatives of employers' and employees' organizations, as well as other civil society representatives, especially in socio-economic, civic, professional and cultural areas. Committee members are appointed for a renewable five-year term. Members of the European Economic and Social Committee are not bound by instructions and act entirely independently in the performance of their duties, serving the general interest of the EU. Under Article 5 of the Rules of Procedure, the Committee's executive bodies are the President and the Bureau. The European Economic and Social Committee is organized into three Groups, representing employers, employees and other stakeholders of organized civil society (Article 6).

Group III (Civil Society Organizations), alongside the Employers' Group and the Employees' Group, provides the Committee with a dynamic approach and allows it to express its views fully on the issues that are important to consumers, among others. Its members also come from the entities representing consumer interests, such as consumer organizations, as well as legal, scientific and academic communities that research consumer interests and rights. The group aims to achieve genuine social and economic participatory democracy in the EU<sup>9</sup>.

The European Economic and Social Committee has two categories, each comprising members from Group III who are involved in consumer affairs: the 'Consumers and the Environment' category and the 'Associations' cate-

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<sup>8</sup> Rules of Procedure and Code of Conduct for members of the European Economic and Social Committee (May 2022), *O.J. L 149*, 31.05.2022; see Article 300, Treaty on the Functioning of the European Union.

<sup>9</sup> *Grupa Organizacji Społeczeństwa Obywatelskiego*, European Economic and Social Committee, <https://www.eesc.europa.eu> (02.08.2025).

gory. The first category consists predominantly of consumer and environmental organizations or experts in these fields. Its primary purpose is to examine documents submitted by the European Commission and ensure that consumer protection is integrated into all EESC work<sup>10</sup>. The ‘Associations’ category consists of members from Group III (Civil Society Organizations) and the Employers’ Group. They represent the association sector at the national or European level (foundations, associations, NGOs). They promote the free movement of people and goods, as well as the protection of civil liberties and human rights, including consumer rights<sup>11</sup>.

These sections develop proposals for assigning opinions to one of the three categories mentioned above. They formulate preliminary guidelines regarding the size of the study group. After consultation between the Committee leadership and the group chairs, a proposal is sent to the Bureau for decision. In exceptional cases, the group chairs may propose a change to the size of the study group. The Bureau approves such a revised proposal at its next meeting and determines the final size of the study group<sup>12</sup>.

The Single Market, Production and Consumption (INT) section plays a vital role in representing consumers’ interests<sup>13</sup>. It covers policy areas related to industry, services, competition, small and medium-sized enterprises and social economy enterprises. It discusses and adopts opinions on consumer protection, research and innovation, as well as single market policies. The section organizes public debates to seek the views of a wide range of non-governmental organizations. Since 1999, it has annually organized one of the Committee’s most notable events – the European Consumer Day<sup>14</sup>.

The INT Section comprises two entities involved in consumer-focused activities: the Single Market Observatory (SMO) and the Temporary Study Group on Social Economy Enterprises (TSE). Established in 1994, the SMO conducts observational studies on the developments within the single market and proposes methods in order to remove the obstacles for consumers or to implement improvements in this area. As to the issues of particular importance, the SMO organizes public hearings to gather the views of a wide range of civil society organizations, including consumer groups. In cooperation

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<sup>10</sup> *Konsumenci i środowisko*, European Economic and Social Committee”, <https://www.eesc.europa.eu> (06.08.2025).

<sup>11</sup> *Stowarzyszenia*, European Economic and Social Committee, <https://www.eesc.europa.eu> (06.08.2025).

<sup>12</sup> Articles 22-25, Rules of Procedure and Code of Conduct for members of the European Economic and Social Committee...

<sup>13</sup> *INT Section Priorities 2023-2025*, Brussels 2022, pp. 1-6.

<sup>14</sup> *Single Market, Production and Consumption (INT)*, European Economic and Social Committee, <https://www.eesc.europa.eu> (02.08.2025).

with the European Commission, the SMO has developed a database on European self-regulation and co-regulation. It aims to streamline the exchange of information and to identify the best market practices<sup>15</sup>.

The Temporary Study Group on Social Economy Enterprises was established in 2015 to monitor the political climate and determine measures to improve the conditions for enterprises and enhance consumer protection. One of its aims is to promote good market practices. In its numerous statements on this subject, the group consistently advocates an action plan for the social economy and the initiatives to foster its development and recognition in the sector<sup>16</sup>.

### **Scientific Committees and Independent Consumer Organizations**

The entities shaping consumer protection and policy at the EU level include scientific committees and independent non-governmental consumer organizations. These bodies represent the collective voice of consumers, both nationally and across the EU. Their activities focus on three areas: advising and consulting, education and information activities, as well as standardization by emphasizing the need for suitable legal solutions.

The largest and most influential non-governmental consumer organizations operating in the EU include the Bureau of European Consumer Unions (BEUC) and the European Association for the Coordination of Consumer Representation in Standardisation (ANEC). They act as advisory bodies and collaborate with consumer law institutions through their membership in Group III of the European Economic and Social Committee. Article 11 of the Treaty on European Union grants representative associations the right to express their views and to exchange ideas publicly in all the areas of EU's activity. EU institutions are obliged to maintain a regular and open dialogue with associations and civil society<sup>17</sup>.

The Bureau of European Consumer Unions was founded on 6<sup>th</sup> March, 1962, by consumer organizations from Belgium, Luxembourg, France, the

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<sup>15</sup> *The Database on Self- and Co-Regulation Initiatives*, European Economic and Social Committee, <https://www.eesc.europa.eu> (01.08.2025).

<sup>16</sup> *Permanent study group social economy enterprises*, European Economic and Social Committee, <https://www.eesc.europa.eu> (accessed 01.08.2025).

<sup>17</sup> Treaty on European Union, O.J. C 202/13, 7.06.2016. See also: E.V. Kucheryavaya, *Rola i miejsce organizacji pozarządowych w procesie integracji europejskiej i reformowania UE*, [in:] *Podmioty integracji europejskiej z perspektywy reformowania Unii Europejskiej*, ed. M. Witkowska [et al.], Warszawa 2017, pp. 127-129.

Netherlands, Italy and the Federal Republic of Germany. After several years of cooperation, these organizations decided to establish a European association based in Brussels. BEUC was a pioneer – one of the first lobbying organizations seeking to influence the decision-making process in the creation of the regulations and legal standards for consumer protection and safety. This organization works to protect consumer interests in eight areas: financial services, food safety, digital rights, redress, sustainable development, energy, health security and trade<sup>18</sup>.

BEUC's organizational structure, operating principles, goals, and tasks are outlined in its statute. According to Article 1, this international non-profit association was founded by consumer organizations from European countries, in accordance with the laws in force in those countries. The association's primary aim is to unite consumer organizations across the EU and other European states to promote, defend and represent the interests of European consumers in the development and execution of EU policies, while also collaborating with EU institutions and other entities. This aim is achieved by influencing the development of the EU consumer policy, with a particular focus on consumer interests. It is also realized through document archiving, conducting various forms of consumer research and fostering cooperation among member organizations. Member organizations undertake extensive information and educational activities to shape consumer policies affecting consumers and promote specific issues undertaken by consumer organizations in individual EU countries<sup>19</sup>.

BEUC's activities are led by two entities: the General Assembly and the Executive Board. The General Assembly consists of full and associate members. Full members are based in EU member states and operate according to the legal provisions in force in their respective countries. They function under the statutes that regulates their tasks and organizational structure in the field of consumer protection. Their activities have a national scope, enabling them to influence the decision-making processes concerning established legal regulations and consumer policies. They also participate in the exchange of information and the implementation of BEUC campaign recommendations at the national level<sup>20</sup>.

Another category of BEUC members consists of associate members. These are entities from European countries, including those in the European Economic Area. They operate as legal entities according to the applicable rules in their respective countries or regions. Their operation is based on the

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<sup>18</sup> *History*, The Consumer Voice in Poland, <https://www.beuc.eu> (05.08.2025).

<sup>19</sup> *BEUC Statutes*, The Consumer Voice in Poland, <https://www.beuc.eu> (05.08.2025), article 1.

<sup>20</sup> *Ibidem*, Article 3.2.

statutes that outline their fundamental objectives, which include the promotion and defence of fundamental consumer rights and interests<sup>21</sup>.

Any full or associate member may request resignation from the organization. To do so, they must notify the Executive Board of their decision in writing. The Executive Board must present a resignation letter at the next General Assembly, along with the details of the concerned organization's financial obligations arising from its withdrawal from BEUC. Any full or associate member who breaches the provisions of the current statutes or generally fails to meet statutory requirements may be expelled at the request of the Executive Board. The Executive Board may suspend the member concerned while awaiting the decision of the General Assembly. After the organization presents its defence, the General Assembly must vote on the matter by a two-thirds majority. If contributions (dues) are unpaid for two consecutive years, the expulsion may take effect automatically. Termination or resignation of membership should be communicated through a registered letter sent to the office by the organization concerned. In urgent cases, the Executive Board may suspend any organization that violates the provisions of the statutes. This suspension will remain in effect until the General Assembly decides either to lift it or to expel the member<sup>22</sup>.

Decisions of the General Assembly are valid when at least half of the permanent members are present. If this quorum is not met, a subsequent General Assembly must be convened for the same purpose. Then, the General Assembly shall be empowered to make decisions regardless of the number of the permanent members present. According to Article 5.2.d., the General Assembly is convened by the Executive Board once a year. At the request of a permanent member or the Executive Board, it may be convened for an extraordinary session<sup>23</sup>.

In accordance with Article 5.3, the Executive Board governs the Association. It consists of a President, Vice-President and eight representatives. They are elected by the General Assembly from among the Association's permanent members. The Executive Board is elected for a four-year term, and the Executive Board members whose term has expired may seek re-election. The Executive Board elects the Treasurer from among its members. It has full administrative and management authority, subject to the powers granted to the General Assembly. It also decides the timing, location and agenda of the General Assembly, as well as appoints the Director General<sup>24</sup>.

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<sup>21</sup> *Ibidem*, Article 3.3.

<sup>22</sup> *Ibidem*, Article 4.2 e.

<sup>23</sup> *Ibidem*, Article 5.2d.

<sup>24</sup> *Ibidem*, Article 5.3.g.

The Board may delegate day-to-day management to its Chair, a Board Member or the Director General. It meets at least four times per year. Each Board Member has one vote. Decisions are taken by a simple majority of those present. Actions taken by the executive body are recorded in a register signed by the Chair of the assembly and kept accordingly. The General Assembly may decide to dismiss Board Members, which requires a two-thirds majority of the votes cast<sup>25</sup>.

The Association's source of income is membership dues. Dues are set annually for each member in each category, based on a percentage of the given organization's total turnover. The Executive Board determines how total turnover is to be calculated for the purpose of determination of the contributions to the Association<sup>26</sup>. The activities of the Association are accounted for in annual reporting periods, and may be subject to modifications, including the dissolution or liquidation of the Association. In the event of dissolution, the Association's assets shall be distributed among its full (permanent) and associate members, in proportion to their contributions<sup>27</sup>.

The second consumer NGO involved in shaping consumer policy is the European Association for the Coordination of Consumer Representation for Standardization (Association Européenne pour la Coordination de la Représentation des Consommateurs pour la Normalisation) – ANEC. It was established on 4<sup>th</sup> April, 1996, under Belgian law as a non-profit organization. According to ANEC's current Statutes, its secretariat is located in Brussels<sup>28</sup>. The Association's primary mission is to research, promote, defend and represent – either directly or indirectly – consumer interests within European standardization bodies. To achieve this, ANEC prioritizes standards and develops opinions on the matters related to overall European standardization policy and its potential effects on consumers. It offers recommendations to European institutions and organizations involved in the European standardization process, including the European Committee for Standardization (CEN)<sup>29</sup>, the European Committee for Electrotechnical Standardization (CENELEC)<sup>30</sup>

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<sup>25</sup> *Ibidem*, Articles 5.3 i, j, k, l, m, n, o.

<sup>26</sup> *Ibidem*, Article 6.

<sup>27</sup> *Ibidem*, Article 7.

<sup>28</sup> According to the deed made on 6<sup>th</sup> February, 2006, by James Dupont, notary public in Brussels, an extraordinary general meeting of the public benefit association 'ANEC', with its registered office at Avenue de Tervueren 32, B.P. 27–1040 Bruxelles, was validly convened and empowered to adopt the resolution on the adoption of the statutes. *ANEC Statutes 6.02.2006*, Brussels, KBO Public Search, <https://kbopub.economie.fgov.be> (22.07.2025).

<sup>29</sup> See: *Annual Report 2024*, CEN-CENELEC, <https://www.cen.eu> (01.08.2025).

<sup>30</sup> European Committee for Electrotechnical Standardization, <https://www.cenelec.eu/> (07.08.2025).

and the European Telecommunications Standards Institute (ETSI)<sup>31</sup>.

Much of ANEC's work is performed through coordination and collaboration with national consumer protection organizations. ANEC has established working groups for its principal areas of activity. These working groups consist of national representatives who possess specific expertise in particular fields, who frequently work for national consumer organizations. ANEC advocates a horizontal legal framework for service security. According to ANEC, while standardization should not eliminate diversity, there are certain fundamental safety requirements for services which must be met regardless of the specifics of individual service sectors<sup>32</sup>. The Association also presents its position on draft directives related to standardization and proposes measures to incorporate consumer protection issues and the promotion of consumer interest into EU legislation<sup>33</sup>.

According to the analysed Statutes, the internal structure of the Association consists of its members, the General Assembly, and the Board. ANEC members are classified as either regular members or observers. The number of regular members is unlimited. Regular members include one natural person representing each EU member state and the European Free Trade Association (EFTA).

The second category of members comprises observer members. The General Assembly may appoint up to six individuals as observers, depending on their experience. Candidates may be appointed if they have experience in the standardization processes and demonstrate knowledge of the issues related to consumer protection and the promotion of consumer interests<sup>34</sup>.

The Association's main decision-making body is the General Assembly, composed of all the members. The General Assembly is the only governing body and holds the broadest authority to achieve the Association's aims. It elects its Chair from among its members for a two-year term<sup>35</sup>. The Chair is also a member of the Executive Board and chairs both the Executive

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<sup>31</sup> European Telecommunications Standards Institute, <https://www.etsi.org/> (7.08.2025).

<sup>32</sup> B. van Leeuwen, *European Standardisation of Services and its Impact on Private Law. Paradoxes of Convergence*. London 2017, p. 67.

<sup>33</sup> Regulation (EU) No. 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardization, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No. 1673/2006/EC of the European Parliament and of the Council, *O.J. L 316, 14.11.2012. The Regulation emphasizes the importance of considering consumer protection interests in European standardization*.

<sup>34</sup> ANEC Statute...

<sup>35</sup> The Chair may be re-elected for a consecutive term.

Board meetings and General Assemblies. The General Assembly is held at least once a year. It may hold an extraordinary meeting at any time at the decision of the Executive Board or at the request of at least one quarter of the ordinary members. Each national member has one vote. The General Assembly is chaired by the President of the Board or – in his or her absence – by the Vice-President; if the Vice-President is also absent, it is chaired by the Treasurer, or – in his or her absence – by the oldest Executive Board member present. Resolutions of the General Assembly are valid if at least half of the ordinary members participate. However, if this quorum is not met, the General Assembly is reconvened and adopts valid and final resolutions on the matters presented, regardless of the number of the members present. Resolutions are passed by a simple majority of the votes of the members present or represented, unless otherwise provided by law, the current Statutes or internal regulations<sup>36</sup>.

The Board consists of nine members appointed by the General Assembly for a two-year term, who may be dismissed at any time. The President, elected by the General Assembly, participates in and chairs all Executive Board meetings. The General Assembly elects a Vice-President and Treasurer from among the Board members. In the President's absence or inability to act, the Vice-President acts as President; if the Vice-President is also unavailable, the Treasurer acts as President; and if all three are unavailable, the oldest Board member present fulfils the function of the President. The Treasurer is responsible for presenting the annual report and provisional budget to the Executive Board. The Board meetings are convened by the President or the Secretary General. The Board is also bound to meet upon a written request submitted to the Secretary General by at least two Board members.

The Executive Board may delegate some of its powers, along with the associated signatory authority, to one or more persons chosen from within or outside its members, including the Secretary General, whose authority is defined by the Board. Under the supervision of the General Assembly, the Secretary General prepares recommendations for managing the Association's current affairs. The Secretary General is responsible for the day-to-day management of the Association and exercises all the related powers. He or she is appointed by the General Assembly upon the proposal of the Board, which specifies the terms of office. The Board may at any time define the Secretary General's specific powers. The Secretary General ensures that the work and activities of the statutory and legal bodies and institutions are conducted within the framework provided by the Statutes and internal regulations, and participates in General Assembly and Executive Board

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<sup>36</sup> *ANEC Statute...*

meetings in an advisory capacity. The President of the Board – or, in his or her absence, the Treasurer – is authorized to accept donations made to the Association and to perform all the necessary formalities regarding their acceptance and acquisition<sup>37</sup>.

## Conclusions

When analysing the functioning of advisory and consultative institutions as consumer policy actors, it becomes clear that they play a key role in protecting consumer interests at the EU level. This role involves consultation, information and standardization activities, primarily by emphasizing the need to introduce legal solutions that are appropriate for consumer safety and protection. These institutions can be divided into two categories: first, those operating within the institutional framework of the European Union (the European Economic and Social Committee), and second, independent international consumer non-governmental organizations. Together, they constitute a unique independent group defending consumer interests in the EU. Although their activities are primarily educational, informational, scientific and advisory, they highlight the need for appropriate legal solutions through numerous campaigns and initiatives<sup>38</sup>.

The largest and most influential non-governmental consumer organizations operating at the EU level include Bureau Européen des Unions de Consommateurs (BEUC) and the European Association for the Coordination of Consumer Representation in Standardization (ANEC). The European Economic and Social Committee plays a crucial role in safeguarding consumer interests across the EU. It provides advice to the European Parliament and the European Commission, among other institutions, on the matters related to consumer policy and the protection of consumer rights.

While summarizing the activities of this third category of entities, it may be concluded that they work closely together to meet consumer needs by establishing appropriate protection standards, proposing necessary modifications to legal regulations, and fulfilling the tasks arising from specific EU consumer policy programmes. Moreover, non-governmental consumer organizations undertake extensive educational and informational activities, while their staff participate as speakers at numerous conferences and scientific seminars.

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<sup>37</sup> *Ibidem*.

<sup>38</sup> See: I. Benöhr, *EU Consumer Law and Human Rights*, Oxford 2013, p. 175.

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## **Instytucje doradcze i konsultacyjne Unii Europejskiej jako aktorzy polityki konsumenckiej**

### Streszczenie

Artykuł ma na celu przedstawienie istoty działania unijnych instytucji doradczych i konsultacyjnych jako podmiotów polityki konsumenckiej Unii Europejskiej. Dokonano charakterystyki Europejskiego Komitetu Społeczno-Ekonomicznego oraz unijnych pozarządowych organizacji konsumenckich biorących udział w procesie tworzenia i realizacji polityki konsumenckiej Unii Europejskiej. W kontekście ochrony interesów konsumentów na szczeblu unijnym instytucje te pełnią przede wszystkim funkcję doradczą i konsultacyjną. Polega ona na poradnictwie oraz działaniach informacyjnych i standaryzacyjnych, przede wszystkim poprzez wskazywanie na konieczność wprowadzania właściwych z punktu widzenia bezpieczeństwa konsumentów rozwiązań prawnych.

**Słowa kluczowe:** Europejski Komitet Społeczno-Ekonomiczny, konsument, organizacje konsumenckie, ochrona konsumentów, polityka konsumencka, Unia Europejska