



Activity report ECC France 2005



Information

Euro-Info-Consommateurs

Rehfusplatz 11,
77694 Kehl - Germany



www.euroinfo-kehl.com



Services

Introduction	3
1. Promotional activities	6
2. Organisation of conferences, seminars, workshops and meetings ...	12
3. List of articles published in 2005	18
4. ADR development	20
5. Statistics	21

The European Consumer Centre (ECC) France is hosted by the non-profit association Euro-Info-Verbraucher e.V. (EIV), whose role is to protect the European and cross border consumer interests. EIV is funded by the European Commission, DG Health and Consumer Protection, the French Ministry of Economics, the "Region Alsace", the "Département du Bas-Rhin" and the "Communauté urbaine de Strasbourg". The ECC mission was assigned to EIV by a decision of November 15, 2004.

The ECC France in Kehl started its activities on the 1st of January 2005 and works in synergy with the ECC Germany (Kehl office), former Clearinghouse Germany. Both centres work in the same office.

Introduction

The setting up of the ECC France since January 2005 could be realised very quickly, thanks:

- to the hosting structure Euro-Info-Verbraucher e.V. (EIV) which, for more than 13 years now, is dedicated to the defence of the European consumers. The high profile of EIV benefited immediately to the ECC France.
- to the experience of the staff which has already worked in 2004 for the Clearinghouse France.
- and above all to the ECC Germany (Kehl office) which helped the ECC France to be rapidly operational.

The ambitious objectives the ECC France set for itself for this first year of activity were realised and even outperformed despite a very restricted budget, 361 700 €, compared to the other ECCs (500 000 €).

5 major points need to be highlighted:

- the important number of cross border disputes handled by the ECC (654) as well as the 2231 information requests and 1191 complaints, the high level of consumers' satisfaction (81%), the rapidity and efficiency of the case handling (approx. 2 months) and the high level of financial compensation obtained for the consumers (267 012,87 €)
- the excellent work of the ECC France within the network
- the efficient cooperation with the French Ministry of Economy
- the interest of policymakers for the Kehl centre
- the synergies between the ECCs France and Germany

1) In 2005, 654 disputes have been handled by the ECC France

Due to the lack of ADR-bodies or to a reject of our mediation requests, only 50 cases were handled by an ADR-body. The 604 other cases have been handled directly by the 3 legal advisers of the ECC France. 380 disputes have been transferred to the professionals' ECCs, in particular 162 to the ECC Germany in Kehl.

The objective of 50 disputes transferred to an ADR has therefore been fulfilled. But the 604 others had not been foreseen in the working program 2005. Thanks to an amazing effort of the staff (they have done numerous overtimes), these disputes have been handled to the consumers' satisfaction. The effectiveness of the work realised by the ECC France can also be valued by:

- the high percentage of disputes solved in the consumers' favour
- the rapidity of the amicable settlement
- the financial compensation obtained for the consumers thanks to the amicable settlement.

It must be underlined that the ECC France, followed by the ECC Germany (Kehl office), has also performed a great effort in developing a dispute registration system and in determining the census. ECC France has developed a very precise statistical software from an Excel database, and which benefited directly to the ECC Germany in Kehl.

2) The excellence of the ECC France within the network

Although the ECC France could benefit from a privileged partnership with its German counterpart (Kehl office) and therefore from an excellent cooperation between both centres, particularly in the French-German disputes, the ECC France's networking must be underlined, most notably on 3 points:

- 380 disputes transferred to the professionals' ECCs
- handling of 172 disputes transferred by the other ECCs

- information exchange, study visits and assistance provided to other ECCs, e.g. ECC Luxembourg (brochure "Buying a property in France", study visit, etc.), Ireland (brochure "Buying a property in France"), Poland (TAIEX), Czech Republic (reception of a colleague), Spain (study visit of Spanish colleagues, conference in Las Palmas), Sweden (job exchange), Italy (study visit).

3) Close cooperation with the French Ministry of Economy

Thanks to a close cooperation with the Ministry in the mediation sector (reports, working groups, etc.), the latter will notify in the next few weeks to the European Commission several new mediators which are currently lacking in France.

The French and German Ministries of Economy have created an interministerial working group to strengthen the synergies in the field of the European consumer policy. The French ECC is a member of this working group and assisted to the first meeting in Berlin in March 2005.

During the summer 2005, the DGCCRF initiated an operation "Vacances confiance" for foreign tourists in France, i.e. more than 75 million people a year.

The French ECC was invited to participate in an important meeting with the French Minister for Economy, Thierry Breton, on July 28th 2005.

In communication and public relation terms, this meeting was a good opportunity to make the ECC and its network known to the general public via numerous interviews in newspapers, on radio and TV. At the same time, the ECCs France and Germany could provide specific information to German tourists, as they are most numerous to visit France.

Last but not least, it must be mentioned here that in December 2005 the ECC France has been invited to participate in the "Ateliers de la consommation" in Paris on the topic "the French consumer and Europe". The Directorate General SANCO of the European Commission also participated in this workshop.

4) Policymakers' interest in the Kehl centre

Thanks to the good relations developed with MEP, the centre of Kehl had the honour and privilege to welcome M. Kyprianou, the European Commissioner for Health and Consumer protection, for a "study visit".

Both ECCs, France and Germany, have been given the opportunity to depict the network's daily work and to explain the importance of this service for the European consumer.

In the same vein, within the scope of its European activities, the hosting structure EIV invited the French Minister for Health, Xavier Bertrand, to discuss the reimbursement for French patients of healthcare services provided in another EU member state.

Indeed, until then, the French authorities did not respect the Kohll and Decker jurisprudence which established a right to reimbursement for healthcare services provided in another member state than the patient's one. This situation was unacceptable for French patients as it created a judicial insecurity and a non respect of the patient's rights.

Following the visit of the Minister in Kehl, a new French regulation (decree of April 19, 2005) has been adopted and finally ratifies the European jurisprudence.

In the meantime, the ECC France following an increase of the information requests of French citizens published a brochure "Accès aux soins en Europe". Due to the considerable success of this brochure, it had to be republished at the end of the year.

Regarding the work accomplished by the ECC France on the topic of Health in Europe, the European Commission invited the ECC to the consumers' general assembly on December 5 and 6, 2005 in

Brussels. The director of the ECC was named as "rapporteur" for the working group "Les droits et l'information des patients".

In order to sensitise the MEP for the non transposition of the Kohll & Decker jurisprudence in the Member States, the ECC France has carried out a mailing operation towards the 39 members of the Commissions "Internal market and Consumer protection" and "Environment and Public health".

Finally, the benefits and the merit of joining the forces of the ECCs France and Germany in the same office must be underlined, even though it is regrettable that the Kehl office of the ECC Germany lacks an important mission of the ECCs tasks: the general information of German consumers.

5) The benefits of the synergies between the ECC France and Germany (Kehl)

Efficient and fast handling of French-German cases

191 French disputes and 70 German disputes were rapidly, efficiently and easily resolved thanks to the close cooperation between the centres' legal departments.

Concentration and saving of financial resources

- The organisation of the E-commerce conference, which took place on June 13, 2005, in Kehl was realised thanks to the logistic support and the staff of both ECCs as well as to the share of the total costs between both centres.
- Advertising and communication media and especially the new web site could be realised thanks to the share of the total costs between both centres.

Beyond financial savings should be underlined the close cooperation between the centres' staff, e.g. for the translation of texts in French or German. Most of these texts fill the common web site.

Guaranty of a better transparency for consumers and efficiency of the external communication (media)

The synergies between both centres increase the transparency and create a greater awareness for the services offered by the ECCs. They also allow media representatives to easily find a qualified contact in the field of European consumer policy. Indeed, the two press officers, and at the same time PR managers, inform the public of both countries about the work carried out by the centres and the network.

The activities of the ECC France in 2005

1. Promotional activities

1.1. Documentation

In 2005 the ECC France published an updated version of its administrative and communication documents.

a) Flyers presenting the function of the European Consumer Centre

Together with the ECC Germany (Kehl office), the ECC France created and published new flyers in order to present the services provided by both ECCs, their common activities and synergies. They have also been distributed and published on the new website of the ECC.

b) New set of brochures « Le guide du consommateur européen »

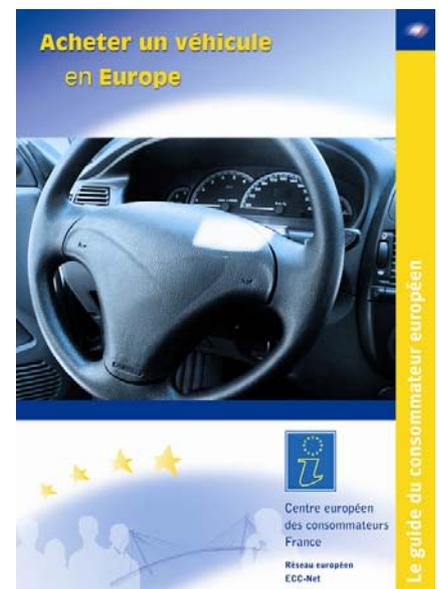
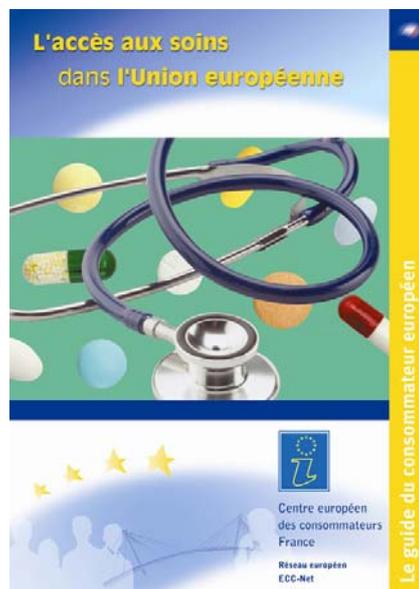
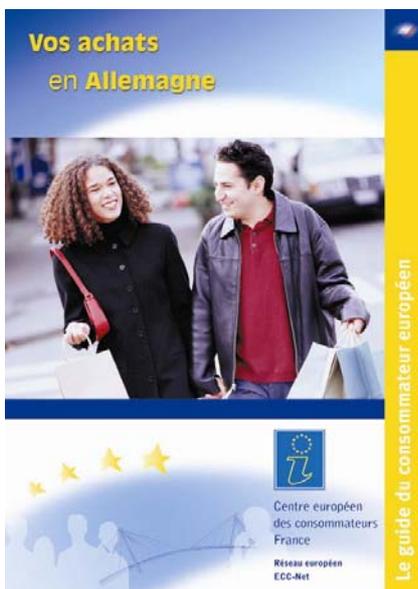
In conformity with the working programme 2005, the ECC France published a new collection « Le guide du consommateur européen ». This guide includes several brochures.

- *Vos achats en Allemagne -*
- *L'accès aux soins dans l'Union européenne*
- *Buying a property in France*
- *Achat d'un véhicule en Europe*



On every specific topic, each brochure intends to give to the consumers all the necessary and useful information in order to facilitate the transactions with businesses from another EU member state, and to avoid -as far as possible- future disputes. The information given in these brochures is accurate, useful and easy to understand. The topics have been chosen because of their important interest among consumers in France and especially in the region Alsace.

The publication of the brochure on notified French ADR bodies was postponed to the next year because more French ADR bodies are expected to be notified in 2005. Therefore, in order to replace the guide on ADR and to meet with the French consumers' needs and expectations, the ECC France published "Vos achats en Allemagne" in French.

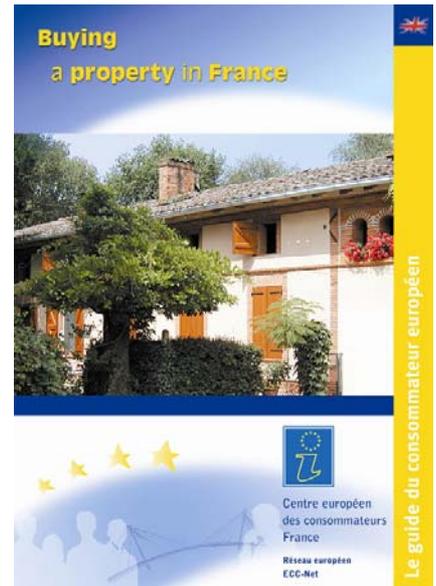


The ECC France cooperated with the ECC Luxembourg and Ireland for the writing and the publishing of the brochure "Buying a property in France" (for English speaking consumers).

More than 5000 copies of all our brochures have been sent to local, national and international institutions and information points for consumers.

The aim of this action is of course to be as close as possible to the French citizens.

In most cases, the ECC France had to take in charge the postage costs for the distribution of these brochures. This explains the important amount of our postage budget.



c) New posters, new information stands and signpost plate

A new poster was designed and printed and then sent to every public administration, consumer association, as well as to other partners of the ECC France.

A new common information stand was also presented on the occasion of several information and representation activities, particularly at the:

- European Parliament, May 9, 2005, for the operation "Open doors".
- Le Vaisseau, a scientific and technical structure for children which organized a European week between the May 22 and 29, 2005.
- European Fair of Strasbourg, between September 3 and 18, 2005.

d) 2004 Annual Report

Together with the ECC Germany (Kehl) the ECC France participated in the writing and publication of the annual report of the hosting structure Euro-Info-Consumers in which also the activities of ECC France were presented.

Brochures, posters and annual report were sent to:

- European Institutions and Relays:

- Europe Direct, Information relays. Europe Direct is the voice of the European Commission. It provides citizens with complete information about European issues; among with "Health" the consumer protection is a main issue.
- The European Consumer Centres (ECC Luxembourg and Dublin)
- The members of the European Parliament (Internal Market and Consumer Protection Commission)

- Cross border Institutions:

- Mission opérationnelle transfrontalière, Regio Pamina, Réseau transfrontalier d'information, Maison transfrontalière, Pôle de compétences pour les questions transfrontalières et européennes, Espaces transfrontaliers.

- National Institutions:

- Direction générale de la concurrence, de la consommation, et de la répression des fraudes (DGCCRF). The DGCCRF, a special department of the French Ministry of Economy, ensures that consumer protection and competition rules are correctly applied on the French market. Brochures have been sent to its representations and delegations in every Department in France.
- Institut national de la consommation

- Consumer organisations and associations:

- ADEIC, AFOC, Association Leo Lagrange, Asseco CFDT, CGL, CLCV, CNAFAL, CNAFC, CNL, CSF, Famille de France, Famille rurale, FNAUT, Indecosa CGT, ORGECO, UFC-Que Choisir, UFCS, UNAF

The 18 national consumer associations are the main information points for consumers in France. They also play an important role for the ECC, as they can lead the consumers to our service whenever a cross border complaint or dispute is concerned.

- **Mass media and media specialised in consumers issues:**

National and regional mass media (newspaper, broadcast), particularly media specialized in the consumption area, allow us to reach easily an important number of citizens. Therefore the ECC France maintains an active contact with these media.

- **Consumers:**

Thanks to the publication of articles about our activities in newspapers or broadcast, consumers know about the existence of these brochures and then ask frequently for them.

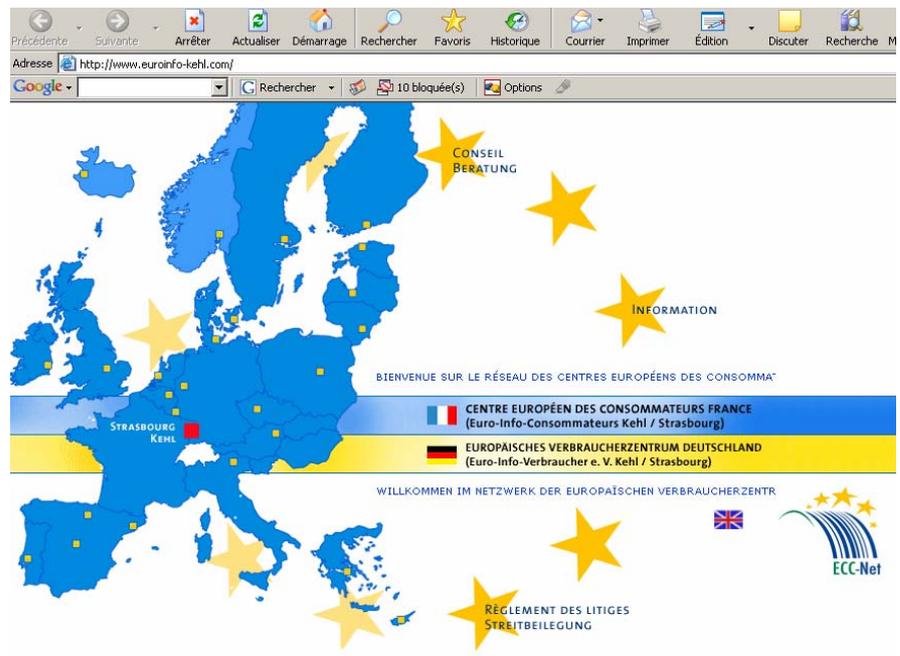
e) Website and Multimedia

A new common website for the ECC France and Germany (Kehl office) was designed and launched in 2005. It is available in French, German and English. All explanatory texts in French and English have been changed after the fusion of the ECC and EEJ networks.

The new website allows to illustrate and to explain more explicitly and efficiently the mission and functioning of both ECCs as well as their synergies in the field of European consumer protection.

It contains 85 information sheets in French, 23 in English and 9 in German.

It took several months to adapt and update this new website.



The special French telephone number is maintained. Legal advisers are directly accessible for all general consumer queries from Tuesday to Thursday from 9 am to 12 am and from 1 pm to 5 pm.

N° Indigo 0 820 200 999

The team also answers requests or questions all week long, by mail, fax or letter.

For ongoing cases the advisers communicate their direct telephone numbers to the consumers to be available all week long.)

1.2. Press relations

One of the priorities of this year consisted in informing the public and media about the role of the French Centre, still very young and therefore unknown to a large part of the public.

In order to do so, the Centre has established and maintained contacts with several media such as newspapers and broadcasting services on national and European level: Mass media (e.g. Europe 1, TFI...) but also media specialised in consumer issues (INC Hebdo, etc.).

11 press releases were issued in 2005.

a) The topics covered by these press releases were:

- Access to Health Services in Europe – Price survey on medication in France and Germany
- Euro-Info-Consommateurs becomes "Centre Européen des Consommateurs »
- Buying car on Internet : the frauds are growing
- European Constitution - The Benefits from the membership in the EU - The Clearing House France publishes its annual report 2004. This press release was sent on May 26, 2005, just before the referendum on the European Constitution.
- European Commissioner for Health and Consumer Affairs visits Euro-Info-Verbraucher e.V.!
- eCommerce and Mediation - International Conference, June 13, 2005, Fachhochschule Kehl (Germany)
- Publication of a new brochure: « Vos achats en Allemagne »
- Publication of a new brochure: « Accès aux soins dans l'Union européenne »
- The protection of the consumers during the holidays. This press release has been realised in cooperation with the French ministry of Finances, « Vacances – confiance » operation
- Publication of a new brochure: « Buying a property in France »
- Publication of a new brochure: « Achat d'un véhicule en Europe »

b) Interviews: More than 30 interviews were given to European, national and regional media

To French and foreign TV

- January 5, 2005.
France 3 Alsace
Price differences between France and Germany
- January 7, 2005.
France 2
Eurobaromètre, European consumers' behaviour
- February 2, 2005
Canal plus
Purchase of a vehicle in the European Union
- April 7, 2005
SWR
Disablement pension in France
- April 25, 2005
ARD TV Strasbourg / SWR studio
Visit of the French Secretary of State for Health, Xavier Bertrand
- July 28, 2005
Canal Plus - France 3 Pays de la Loire
Consumer protection for tourists visiting France
- August 16, 2005
ARD
Consumer protection during holidays
- November 8, 2005
TFI
How to protect consumers against misleading advertising
- November 21, 2005

France 3 Alsace

Differences between the French and the German car regulations

- December 13, 2005

France 3 Alsace

Complaints and disputes in cross-border consumer issues

To French broadcasting services

- July 20, 2005

Europe 1

How to avoid e-Commerce disputes

- July 28, 2005

France Bleue Pays de la Loire

Consumer protection for foreign tourists visiting France

- September 3, 2005

France Bleue Alsace

Purchase of a vehicle in Germany

- October 13, 2005

France Bleue Alsace

Presentation of the European Consumer Centre/Air passenger rights

To French and international newspapers or newswires

- January 13, 2005

Chiara Longo

Europa

- April 20, 2005

Badische Zeitung

Visit of the French State Secretary for Health, Xavier Bertrand

- April 25, 2005

Stadtanzeiger / Der Guller Kehl

European Constitution

- May 26, 2005

Dernières Nouvelles d'Alsace

Annual Report of the Clearing House France

- June 13, 2005

Le Consommateur d'Alsace

E-Commerce conference

- July 22, 2005

L'Alsace

Access to Health Services in Europe

- July 22, 2005

Eurodistrict Citizen Forum

Cross-border real estate transactions

- July 28, 2005

France Bleue Pays de la Loire - Ouest France - France Soir

Consumer protection for foreign tourists visiting France

- August 9, 2005

AFP

Consumer protection during holidays

- August 26, 2005

Les Echos

Purchase of a vehicle in the European Union

- September 1, 2005

Dow Jones Newswires

The complaints registered by the ECC about cross-border funds transfers

- October 7, 2005

20 Minutes

- Presentation of the European Consumer Centre/Cross-border consumer disputes
- October 25, 2005
Autoplus
Purchase of a vehicle in the European Union
- November 4, 2005
Pleine Vie
Presentation of the European Consumer Centre/Cross-border consumer disputes
- November 2005
Le consommateur d'Alsace
E-Commerce and mediation

c) The Newsletter

The ECC, as a part of the « Pôle de compétences pour les questions transfrontalières et européennes » participates in the design of this bilingual newsletter published twice a year at 3 000 copies.

This newsletter informs national, regional and local partners about the activities of local institutions acting in the field of cross border cooperation.

It embraces Euro-Info-Verbraucher e.V. (EIV with the ECCs France and Germany (Kehl)), Infobest, Euro-Institut, and the Common Secretary of the French-German-Swiss Upper-Rhine conference.

d) Press conference

On May 26, 2005 the ECC France organised a press conference for the regional media to present the evaluation of the 2004 activities. Radios and newspapers informed the public about this assessment. This press conference was willingly held on May 26, 2005, just before the referendum on the European Constitution. The aim was of course to convince the citizens of its positive aspects.

1.3. Other activity

Price-Survey

In the context of the evaluation of cross-border access to health care, the ECC France participated in a regional price survey organised by EIV in participation with four German and seven French pharmacies. It appeared that almost 30 % of pharmacy customers in Kehl are French whereas 20% of the clients in Strasbourg are German. Generally medicines are much cheaper in France than in Germany, except for some birth control pills. Nevertheless many French consumers buy in Germany where they can get more detailed advice and find homeopathic medicines that are not to be found in France.

2. Organisation of conferences, seminars, workshops and meetings

2.1. Cooperation with the ECC Network

Besides the official meetings of the entire ECC-Net and European Commission representatives, the ECC France participated

a) International Conference about e-Commerce and mediation on June 13, 2005 (in cooperation with the ECCs Dublin and Stockholm)

On June 13, 2005, ECC France and Germany (Kehl office) and the German Contact Point for electronic commerce organised an international conference on ADR in the field of electronic commerce that brought together representatives from the European Commission, French and German ministries, professionals and online ombudsmen as well as consumer associations.



This conference enabled the different actors to exchange their experience, practical know-how and point of views in order to discuss possible solutions and alternative ways of dispute resolution that will meet the specific requirements of the velocity and internationalisation of electronic commerce. All the participants showed evident willingness to cooperate on a long term perspective to inform and protect the European consumer efficiently. The conference was reported in French, German and English. (The reports can be downloaded from the ECC website www.euroinfo-kehl.com).

b) ECC France participated in the meeting of ECC Germany (Kehl) and ECC Poland on August 23, 2005 (Taiex-Programme)



This visit results of the invitation of the ECC Germany (Kehl) to be tutor for the new ECC Poland in 2006. The ECC France participated in this meeting in order to show the synergies between both centres. Priorities of this visit: the complaint and dispute registration system of the ECC France and Germany; the visit of an ADR for the vehicle sector in Freiburg (Germany).

c) Job exchange with the ECC Stockholm (from August 16 to August 19, 2005)



One legal adviser of the ECC Germany (Kehl) and one legal adviser of the ECC France able to speak fluent Swedish, took part in this job exchange. This four days visit gave the opportunity to learn about the extended know-how gained by the ECC Sweden in the field of consumer protection and to strengthen the collaboration between the French and Swedish ECC in order to ensure a better efficiency in the handling of consumer complaints. The software used by Konsument Europa, the host structure of the ECC Sweden, for the registration of complaints

was introduced to our legal adviser who could test it "live" by answering the Swedish consumers directly on the phone.

The concomitant visit of one legal adviser from the ECC Germany (Kehl) allowed emphasizing the existing synergies of the French and German ECC. Also the ADR-schemes in the respective countries were, among other topics, discussed and the compatibility of these schemes with cross border disputes debated. A visit of the Swedish complaints board (ADR) gave a clear demonstration of the functioning of ADR-system in Sweden.

d) Study visit to the ECC Bolzano (from November 4 to November 6, 2005)

The legal advisers of the ECC France, Germany (Kehl) and Italy evoked the respective work methods which vary in these countries due to cultural and legal differences.

The ADR theme was one of the main topics of discussion, as well as the role of the internet ombudsmen. Our legal advisers proposed to organise and coordinate a meeting between the internet ombudsmen of France, Italy, and Germany for the year 2006.



e) Visit of the European Consumer Centre Madrid in Kehl (from October 5 to October 7, 2005) (annexe 36)

A good cooperation between the ECC France, Germany (Kehl) and Spain is essential, since many disputes occur between these countries. Thus exchanging working methods is necessary to reach a better effectiveness.

The ECC Spain was very interested in the ADR schemes in Germany, in particular in the mediation system of the different guilds, especially in the vehicle sector.

The French ECC receives more and more tourism cases from Spain. Both Centres analysed how to cooperate in this field.

And last but not least, the three centres agreed on the necessity to strengthen the role of ADR in the e-Commerce sector.



f) Conference in Las Palmas and Cooperation Day (from November 28 to November 30, 2005)

The Consumer's Europe: Fourth Canary Islands' Conference - The consumer of tourist services (November 29 and 30, 2005)

The main objective was to define how to reduce cross-border disputes in the tourism sector and how to strengthen consumers' confidence in this field. Especially for the ECCs the aim was to exchange information in order to improve the efficiency of the network.

On November 29 and 30, was held the 4th international conference organised by the Spanish national institute for consumer protection (NIC) on the topic "The consumer of tourist services"

During this conference, the ECCs could actively participate and debate important topics, e.g. car rentals, e-Commerce.



g) Meeting of the ECC Germany (Kehl), France, Belgium and Luxembourg in Luxembourg (December 13, 2005)

A first meeting, bringing together the Clearinghouses from Luxembourg, France and Germany, was held in December 2004 in Luxembourg.

The ECCs of these countries, because of common borders, have a lot of cases in common. To improve the cooperation, it was necessary to develop and strengthen exchanges about work methods and to discuss alternative dispute resolution and the ADR development, particularly in the vehicle sector, renting and housing.

This year, the ODR (Online dispute resolution) was the central point of discussion, because ECC Luxembourg would like to be inspired by the French and the German examples and wishes in

particular to receive testimonies about the work and the efficiency of the French and German internet ombudsmen.

During this meeting, the existing ODR in France and Germany have been presented and the ECC France, Belgium and Luxembourg have confirmed their willingness to participate in an ODR meeting in Kehl in 2006.

Also an inventory of the respect of the new regulation on air passenger rights was made, as the respective centers register more and more complaints against airline companies due to delay, overbooking and cancellation of flights.

h) Visit of Mr. Zdenek Svata from ECC Prague (December 14 and 15, 2005) Study visit of a case handler managing also the public relations of the Czech ECC:

By experience, the staff of the ECC France and Germany (Kehl) knows that in order to communicate with mass media and the general public and to promote the services offered by the ECC, e.g. ADR related topics, need to be worked out from a consumer point of view rather than from a more academic and technical angle. To show the importance of a topic, such press releases have to respect the deadlines set by the media themselves and need to cover, among others, relevant data.

Also, the website of the Czech ECC being under construction, it was discussed how to organise intelligent access for different target groups such as consumers, journalists and, of course, ADR-experts. It goes without saying that the Czech colleague was also introduced to the daily case handling by the two ECCs in Kehl and to ADR-schemes in both countries, especially in the e-commerce sector.

This visit was organised and carried out in close cooperation with the Kehl office of ECC Germany. To illustrate the geographical importance of the Kehl location, a visit to the "Pôle de compétences pour les questions transfrontalières et européennes" was organised and a (public) session of the European Parliament in Strasbourg included in the programme.

2.2. Cooperation with other mediation centres or EU networks

a) The French-German meeting in Paris of the three European networks (EJN, Solvit, ECC-Net)

On April 27, 2005 the ECC France and the ECC Germany (Kehl) met with the German and French representatives of the European Judicial Network and Solvit. The activities of the three networks were presented, information exchanges and future cooperation agreed upon.

Solvit also presented their data registration system to the ECC. This system allows to register and to communicate easily throughout the Solvit network all necessary and important case related data. As the European Commission was still working on the IT-Tool, the ECC proposed to the Commission to develop a tool based on the Solvit system, a proposal then accepted by the European Commission.

b) Meeting with the Swiss consumer association « Fédération romande des consommateurs »

On June 20 and 21, 2005 the ECC France met the Swiss consumer association "Fédération romande des consommateurs" (FRC) located in the French speaking part of Switzerland as well as with representatives of the Maison transfrontalière of Annemasse. After a short presentation of the three structures, the participants discussed future cooperation models. The ECC France explained that many ECCs had asked for assistance concerning cases with professionals based in Switzerland. The FRC would be interested in participating in the activities of the Network and will therefore contact the Swiss government in order to make an official request for cooperation. In the meantime the FRC is willing to respond to a certain extent to information requests coming from other members of the ECC-Net.

c) Visit of Chinese mediators (From the province of Zhengijang, suburb of Beijing)

On August 23, 2005 the European Consumer Centres France and Germany (Kehl) internationalised their contacts and showed their know-how to non European counterparts: dispute and complaint registration system, ADR, working methods, etc.



2.3. Cooperation with European, national or regional institutions

a) Cooperation with the European Commission

On April 21, 2005: Meeting with Ms Geraldine Fages (from DG Internal Market): presentation of the ECC France

Visit of the European Commissioner, Markos Kyprianou in Kehl (see press release)

On May 11, 2005 Markos Kyprianou, Commissioner for Health and Consumer Protection, visited the ECC France and Germany (Kehl). For this informal visit, Markos Kyprianou was accompanied by Dr. Andreas Schwab, member of the European Parliament. Many precise and recurrent problems were brought up, such as the certificate of conformity for the registration of cars and the enthusiasm for e-commerce that however leads to numerous disputes. Inevitably, the issue of the health sector was subject to intensive discussion.



On December 6, 2005: General Assembly of Consumer Associations, in collaboration with the DG Health and Consumer Protection of the European Commission

Topic of the Assembly: « *Empowering consumers: to be or not to be informed* »

Martine Merigeau was the "rapporteur" of the workshop "Patient rights and patient information"

b) Cooperation with the French Ministry of Health

On April 21, 2005, Xavier Bertrand, French Secretary of State for Health, visited Euro-Info-Verbraucher e.V. on the initiative of the Vice-President of the French Parliament, Yves Bur, to discuss the "Free circulation of health services between France and Germany". The ECC France pointed out legal problems regarding health issues for French citizens who wish to receive medical services in another EU Member State. Indeed, France does not apply the Kohll and Decker case law and therefore there still exists a judicial uncertainty concerning e. g. the reimbursement of cross-border medical services by public social insurances.

During this meeting Xavier Bertrand announced that the French government was going to issue a decree on the reimbursement of medical services. This decree published on April 19, 2005 provides the reimbursement of medical cases without a previous authorisation (as it was still required by health insurances in France) except for cases in which a hospitalisation is necessary.

A representative from the DG Internal Market of the European Commission explained that "even more efforts have to be made (in border regions) because complaints arrive largely from these regions, notably from Alsace".

It was therefore decided that the policy of mutual agreements has to be continued and supported by the creation of a coordination group. Throughout the process, EIV played the role of a coordinator. This group would be a singular body uniting among others the regional agency of hospital treatment,



the regional health insurance, private hospitals, independent general practitioners, local public administrations, etc. On the long term a regional agency for cross border health services could be created in the region Alsace. The first meeting was held on October 25, 2005.

c) Cooperation with the French Ministry of Economy, Finances and Industry

January 10 to 12, 2005: Meeting with Andrea Pahne from the German Federal Ministry of Food Agriculture and Consumer Protection (official exchange with the DDCCRF, annexe 29)

- Presentation of Euro-Info-Verbraucher e.V.
- Presentation of the ECC France
- French-German synergy in the consumer protection area
- The consumer organisations in Alsace and above all the "**Chambre de consommation d'Alsace**"

On March 30, 2005, meeting in Berlin of French-German working group

Topic: "*a modern consumer policy as motor of innovation and society*"



On July 28, 2005: collaboration with the Ministry of Economy, Finance and Industry for the operation « Trust in holidays »: visit of Martine Mérieau, Director of the ECC France, and the French Minister of Economy, Finances and Industry **Thierry Breton** to Pornic: presentation of ECC France and its activities and its role in consumer information and protection during their holidays in France

On August 5, 2005 Martine Mérieau participated in cooperation with the DRCCRF at a meeting about cross-border disputes in Strasbourg. Were discussed among other topics several cross border fraud cases related to the "business directories".

On December 8, 2005 Martine Mérieau participated at the « 35^{ème} ateliers de la consommation » in Paris organised by the DGCCRF on the topic « The French consumer and Europe ».

d) Cooperation with the European Parliament

On May 8, 2005 thousands of consumers visited the information stand of the ECC France during the "Open Day" of the European Parliament.

In 2005 Martine Mérieau met several Members of the European Parliament:

- Dr. Schwab on the occasion of his visit with the European Commissioner Markos Kyprianou on May 10, 2005 in Kehl
- Beatrice Patrie for a discussion about the Health services in the European Union on November 13, 2005 in Strasbourg

e) Cooperation with other national or regional structures

ECC France and Germany cooperated all year long with the "Pôle de Compétences pour les questions transfrontalières et européennes" in order to organise meetings and to publish the common newsletter twice a year.

The ECC France, as well as representatives of French regional consumer associations participated in the monthly meetings of the "Commission juridique" of the "**Chambre de consommation d'Alsace**" and the annual General Assembly of the "Chambre de consommation d'Alsace"

On May 31, 2005: Intervention of Martine Mérieau "La coopération transfrontalière dans l'espace du Rhin-Supérieur"

On June 6, 2005: presentation of the ECC France to the **Chamber of commerce and Industry of Bas-Rhin** in Strasbourg

On September 28, 2005: second Health Forum organised by the Ministry of Labour and Social Affairs of Baden-Württemberg. The aim was to improve the cooperation between France, Germany and Switzerland in the Health service sector

On November 7, 2005: Nicolas Michel presented the new brochures of the ECC France at the general assembly of the "Chambre de consommation d'Alsace"

On December 7, 2005 the ECC France made a presentation about its role and functions for the cross-border structure "Euroregion Silesia", a transfrontier cooperation between the Czech Republic and Poland

2.4. Training sessions

On May 24, 2005: the ECC France presented its activities to regional representatives of the national consumer association INDECOSA

On June 2, 2005: Catherine Rauch from the ECC France made a presentation for the "Mission opérationnelle transfrontalière" in Paris.

On June 16, 2005: Martine Mérigeau from the ECC France made a presentation of the ECC France for the "Conseil national des barreaux" at the Council of Europe

On June 23, 2005: ECC France made a presentation for ENACT Nancy.

On July 1, 2005: ECC France made, in synergy with ECC Germany, a presentation at the University of Heidelberg in front of 40 French and German students in the course of the summer university Montpellier / Heidelberg.

The presentation covered the work of the European Commission in the field of access to justice for the European consumer, the role of ADR-bodies for cross-border disputes in Sweden, France and Germany and the ECC-Network. Different cases, showing an overview of the ECCs daily work were presented. According to the director of the institute for international private law at the University of Heidelberg, Prof. Hess, and Dr. Witteborg, the presentation was a good opportunity to fill in the gap between theory and practice.

On November 21, 2005 ECC France made a presentation about its role and functions in front of students of the CEES (Centre des études européennes de Strasbourg).

3. List of articles published in 2005

During the year 2005, 63 articles and fact sheets were published. Some of them address especially English speaking consumers.

About Administration:

- French public services: access to on-line services (for English speaking consumers)
- Creation of the "Eurodistrikt"
- Moving in France - No longer a battle with authorities (for English speaking consumers)

About Cars:

- Achats de véhicules sur internet : les arnaques se multiplient
- Véhicules neufs: les prix dans l'Europe des 25 : comparez et choisissez !
- Allemagne - Fin de l'impunité pour les manipulateurs de compteurs ?
- Véhicules neufs: les prix dans l'Europe des 25. Comparez et choisissez!
- Registration of a foreign car in France (for English speaking consumers)
- Achat d'un véhicule d'occasion en Allemagne: gare aux compteurs trafiqués !
- Louer un véhicule en vacances : comparez, économisez !
- Road safety in France (for English speaking consumers)
- Neue Regelung im Straßenverkehr in Frankreich
- Contrat de location de véhicule ne sont pas soumis à la vente à distance

About Consumer rights:

- Non conformity of products in France since the 19th February 2005 + version for english speaking consumer
- 12 years of European single market: Which assessment can be made for the French consumers?
- French summer sales start on 24th June 2005 (for English speaking consumers)
- French winter sales start on 12th January 2005 (for English speaking consumers)
- Order to pay: a simplified procedure for consumers to recover debts in France (for English speaking consumers)
- Der französische Mahnbescheid
- Conciliation committee for rental disputes (for English speaking consumers)
- The French judicial conciliator (for English speaking consumers)
- Lawyer fees in France (for English speaking consumers)
- Rechtsanwaltshonorare in Frankreich
- New consumer protection law in France (for English speaking consumers): Consumers have to be informed about the possibility to cancel contracts with automatic renewal
- Prices in the 15 EU Member States – Madrid is the cheapest city

About e-Commerce:

- 10 golden rules to buy on Internet in another EU Member States
- International Conference on e-Commerce and mediation
- Internet auctions in Germany: Buyers benefit from a 14 day withdrawal period

About European Network:

- FIN-NET: network to reach out of court settlements for disputes in the financial services sector (+version for english speaking consumer)
- EUROPE DIRECT: Provides general information about Europe (+version for english speaking consumer)
- European service RAPEX: a rapid alert system for dangerous consumer products (+ version for english speaking consumer)
- SOLVIT: a problem solving network in case of misapplication of Internal Market law by public authorities (+ version for english speaking consumer)

About taxes:

- Capital gains tax in France
- Leaflet: Real property tax and resident tax
- Gemeindesteuern
- Grundsteuer
- Steuern 2004
- Real Property: Resident Tax
- Vacation rentals in France

About Financial services:

- Cross border Bank transfers
- Germany: a unique phone number to block all your credit cards: 116 116
- French Franc coins: Do not wait till the last minute to exchange them! (for English speaking consumers)
- European directive about saving tax system

About Health:

- Access to Health Services in the European Union
- Medicines prices in the cross border area Strasbourg/Kehl
- Health in Europe: the ambiguity of the French position
- Cross border medicine market: The big boom!
- Health in Europe: perspectives and issues at the French-German border

About Renting and Housing:

- Buying real estate in Germany
- Renting real estate in Germany
- Termination of a lease in Germany
- What you should know about vacation rentals in France (for English speaking consumers)
- Mieten einer Ferienwohnung in Frankreich
- VAT rates in Europe
- Capital gains tax

About Tourism:

- How to cancel a reservation in an Italian hotel?
- Tourism in Europe: The responsibility of French hotels (for English speaking consumers + German version)
- Tourismus in Europa: Haftung von französischen Hotels
- New European regulations on air passenger rights
- Germany – A mediator for more mobility

4. ADR development

In 2005, the ECC France has carried on its work in the field of ADR started in 2004 and has promoted this means of redress by outlining its benefits vis-à-vis stakeholders i.e. companies and consumers. On this issue the ECC France works closely together with the DGCCRF (Direction General for Competition, Consumption and Fraud Control). The DGCCRF takes the initiative to notify new ADR-bodies upon proposal of the ECC France. The actions undertaken by the ECC France in 2005 are therefore of four sorts:

4.1. Research of new ADR-bodies and information of public authorities about the lack of ADR

Due to the fact that only four ADR have been notified in France as complying with the ADR-Recommendations, part of the work of the ECC France consists in looking for new ADR and informing the public on the existing ADR and alert public authorities about the lack of ADR in some sectors.

Hence a study has been carried out to collect information on all existing ADR in France and their field of competencies along with the lacks in some sectors. This study gave rise to a report which is available online on the following link:

http://www.euroinfo-kehl.com/FR/doc-pdf/Rapport%20ADR_France.pdf

The database with the existing ADR-bodies will be regularly updated and published online in 2006.

4.2. Promotion for the use of existing ADR-bodies and contribution to the creation of new ADR

One of the major tasks assigned to the French ECC is to promote the use of ADR when a consumer faces a problem with a business located in another EU-country. Actions are carried out towards consumer organisations, consumers as individuals through media, businesses and public authorities.

Presentations are regularly made in front of students, academics, politicians, consumers' associations, bar associations and others. The scope of these presentations is to stress the benefits but also inconveniences of ADR for the settlement of consumer disputes in Europe. Different ADR systems are introduced (Sweden, Germany, France) and ECC-Net cases are presented.

In some sectors such as the passenger rights, specific actions were undertaken to promote the creation of an ADR-body. Stakeholders were contacted by the ECC France in order to explain why consumer complaints could not be settled due to the lack of ADR. The coming into force of the Regulation CE n°261/2004 and the Montreal convention led to a heavy raise of cross-border complaints lodged within the ECC-Net. Unfortunately the passenger rights sector has no competent ADR in France. Therefore the ECC France has attempted to encourage the creation of an ADR by contacting major air-carriers such as Air France, the DGAC (French Aviation Civil Authority) and the European Commission (DG Transport and Energy). This action launched at the end of 2005 will be carried out in 2006.

4.3. Testing the ADR

In 2006, 50 disputes out of 655 have been transferred to an ADR in France or in another EU-country. Beside the already existing ADR-bodies, the newly created ADR were tested by the ECC France:

- 9 cases have been transferred to the French "Médiateur du Net";
- 2 cases have been transferred to the ADR for travel packages based in Paris and Lyon.

Cooperation on cases was also established with Fia-Net and the Mediator of the SNCF, "conciliateurs de justices", the mediator of France Telecom etc.

Thanks to the Franco-German synergies of the ECC Kehl, we have transferred up to 17 cases to German ADR that's to say almost half of all ADR cases.

Before testing an ADR, its compliance with the Recommendations on ADR is verified and debated with the French competent authorities (DGCCRF). We therefore do not transfer cases to all existing ADR.

4.4. Meeting with ADR-bodies in order to enhance the cooperation and preparing a future possible notification

On January 20th 2005 the ECC France met with the French „Forum des droits sur l'Internet“ in Paris. The Internet Rights Forum is a French association competent for legal issues related to the Internet. Its mission is to inform the general public and to organise the coordination between public authorities and users of the Internet. It offers a mediation service (Médiateur du Net) to settle disputes related to the internet and concerning at least one individual. This first meeting focused not only on the presentation of the different institutions and their working methods but also gave room to share experiences and know-how but also difficulties encountered by the participants in the area of electronic commerce. The future cooperation, the possibilities of notification of the "Médiateur du Net" and the conference "Electronic Commerce and Alternative Dispute Resolution" were also discussed.

Furthermore, the conference about Online Dispute Resolution (ODR) which took place in Kehl the 13th of June 2006 and organised by the ECC France, ECC Germany (Kehl office) and the German contact point for electronic commerce allowed us to strengthen the cooperation between ODR in Europe. The report on this conference is available online in French and German. A summary is also available in English: <http://www.euroinfo-kehl.com/FR/fra1.htm>

The French ECC participated at the meeting organised by the Kehl office of the German ECC with German ADR such as the "Schlichtungsstelle Mobilität" and the "Reiseschiedsstelle".

5. Statistics

Information requests, complaints and disputes: How to assess the work carried out by the case-handlers?

In the year 2005, in comparison with the year 2004, the ECC France has faced an increasing number of information requests, complaints and disputes. The objectives of the working programme 2005 have been reached and even outperformed.

As a matter of fact, the handling of disputes requires a constant involvement of the legal advisers who translate the necessary documents of the file, find out which law is applicable, analyse the case according to the applicable law, research competent ADR-bodies, negotiate with the professional, keep

the consumer informed, keep the contact with the ADR and if necessary cooperate with the national authority for fraud control.

Hence 2231 information requests and 1191 complaints were registered at the ECC France in 2005. 654 disputes including 50 transferred to ADR-schemes were handled by our legal advisers. In the case of a "dispute" the ECC tries to find an amicable settlement with the trader either via direct contact with the professional or via an ADR-procedure, where possible and agreed to by the consumer.

This important number of disputes corresponds to a rise of 300% in comparison with the number of disputes handled in 2004 and will surely keep on growing in 2006.

How to explain this large amount of disputes?

This increase may be a result of the communication campaign launched at the end of 2004 and of the important media work carried out in 2005, as well as of numerous presentations made at universities, consumer associations, of the participation in workshops on consumer related issues. Public authorities such as Europe Direct have also contributed to make the ECC France known to the public. The good reputation of ECC France's case handlers along with the results achieved entrust consumers to make use of our service.

In 2005 our action has contributed to help consumers to be reimbursed a total of 267 012, 87 euros.

The assessment of the results of our activities and its benefits for the consumer

78 % of all disputes registered in 2005 at the ECC France were closed before the end of the year. 22% are still ongoing in 2006.

In order to handle a dispute, the advisers need the copies of all the documents relating to the case such as the invoice in case of a purchase of goods, correspondence between the parties etc. In 30 % of the closed files, the consumer does not send these documents or never responded to our follow up questions or remarks. In 12 % of the closed files, the ECC France refused to proceed with the case because either the claim was ill founded and the consumer not entitled to claim compensation, the professional was a fraudster or the ECC later realised the dispute is not cross-border. In these cases, we give advice to the consumer about his further options such as contacting the national authorities, filing a complaint at the local police station or transferring the case to another competent organisation.

Last but not least, in 58 % (i.e. 301 disputes) of the closed files, the ECC France was able to find an amicable settlement with the business either via direct contact with the professional or via an ADR-procedure, where possible and agreed to by the consumer.

In 81 % out of these 301 disputes, the consumer was satisfied by the result achieved by our service and by the outcome of the negotiation with the business. Only in 19% out of these 301 disputes the consumer was not satisfied by the result. It is then up to him to bring a legal action against the professional.

Close cooperation with all ECC–Net members in the settlement of cross border disputes

In 2005 the ECC France has strengthened the collaboration with all ECC-Net members in order to improve the work efficiency among case handlers. The study visits with the ECC Spain, Sweden and Poland have allowed a better understanding of the work of the respective ECCs and contributed to a gain in the efficiency of the handling of cross-border disputes. 15% of the disputes were handled in close cooperation with the ECC Spain, 11 % with the ECC Belgium, 11% with the ECC UK.

The French-German synergies are illustrated once again since 11 % of the disputes concerned a German consumer and a French trader and 29 % of the disputes concerned a French consumer and a German trader. As a consequence 40 % of all disputes in 2005 were handled from the beginning to the end by the ECC France and the ECC Germany (Kehl).

However, there is lack of consistency in the different working methods of the ECCs. The ECC France has therefore suggested the creation of a discussion-group in charge of the adaptation of the case handling protocol to the reality of our daily work. Whereas we work closely together with some of the ECC-Net members, some cases where a French business is involved were handled from the beginning to the end by the ECC of the consumer. We do not have access to any information concerning these cases and the success rate.

Specific trends in the categories

We can outline the ongoing rise of the ecommerce cases, especially with German businesses. The used car sector remains important especially for French consumers purchasing used cars in Germany or in Belgium. The disputes where a French trader is involved often relate to a travel to or a journey of the consumer in France. Most of the disputes concern therefore thefts in French hotels, car rentals and the non application of air passenger rights due to the coming into force of the Montreal convention and the regulation CE n°261/2004 which grant new rights to the consumers.

ECC France: Full member of the ECC-Net and the proactive work

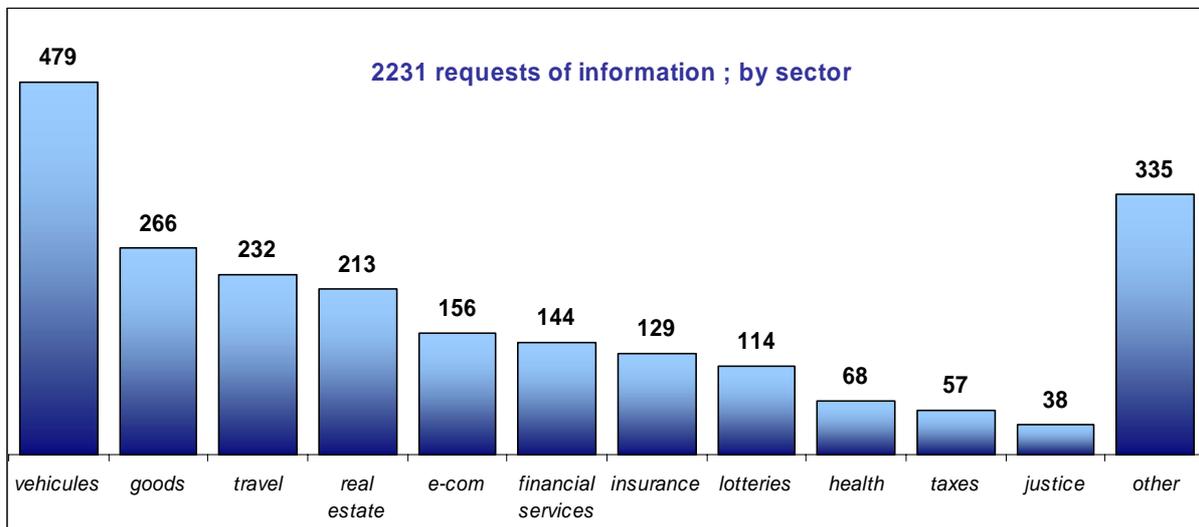
In 2005, Euro-Info-Verbraucher e.V and especially the former French Clearinghouse had to face a new challenge: being now a full member of the ECC-Network and also in charge of the proactive information of French and European consumers. The experience of the host-association has helped the ECC France to be rapidly operational and to carry out this proactive work.

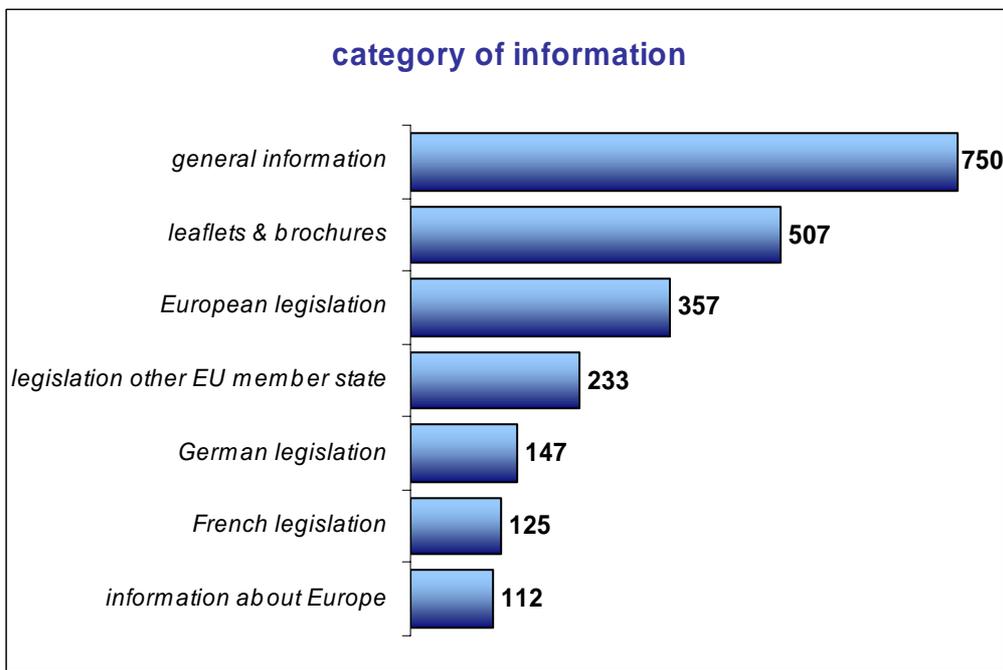
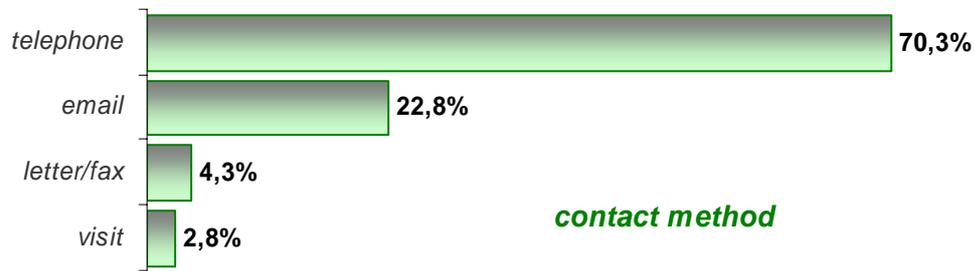
The brochures published in 2005 along with the information material available on the website allow informing the consumers on their rights without needing a specific advice of our case-handlers. Thus, in 23 % of the information requests, the ECC France was able to meet the consumer's expectations by sending him either a brochure or telling him to read an article available on our website. The newly created website enhances the visibility of all the articles available on various topics.

Statistical evaluation of the ECC France - 2005 -

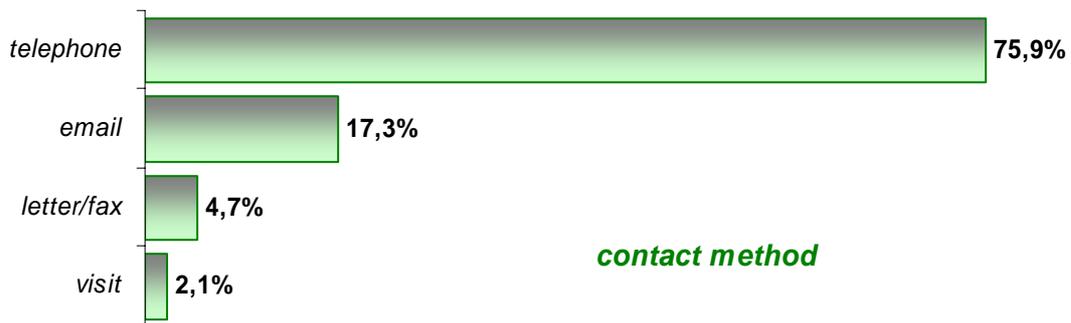
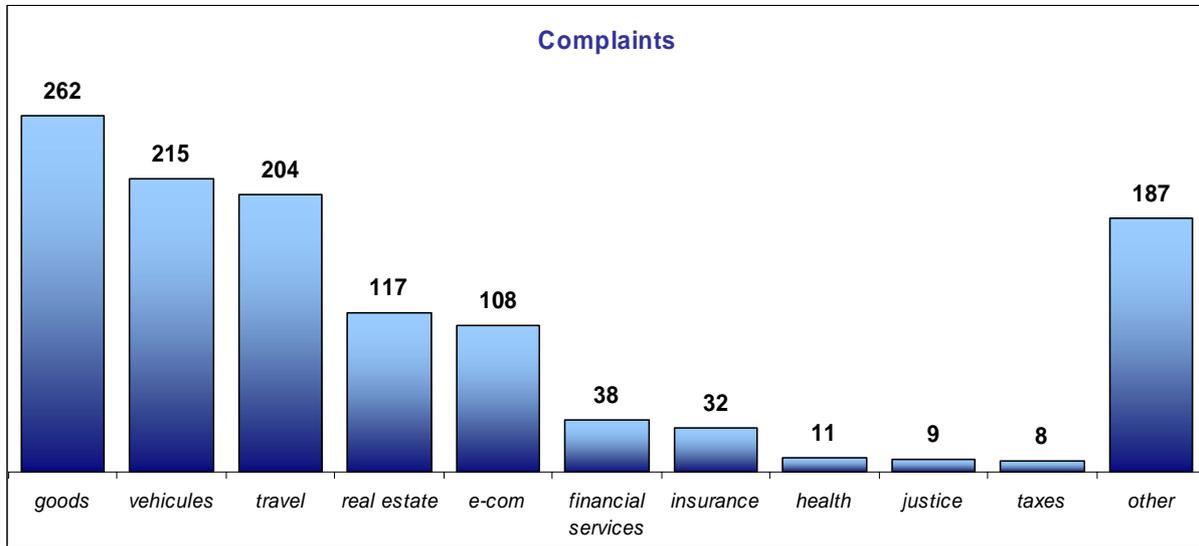
Total requests	4076
Information request	2231
complaints	1191
disputes	654
Including ADR procedures	50

1. Request of information



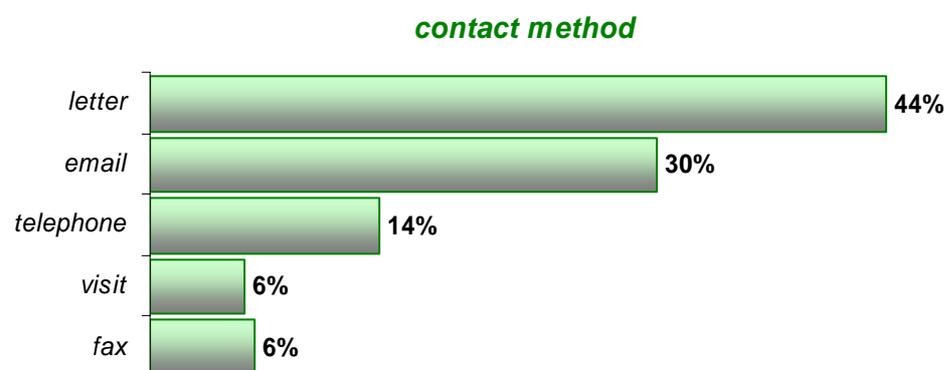
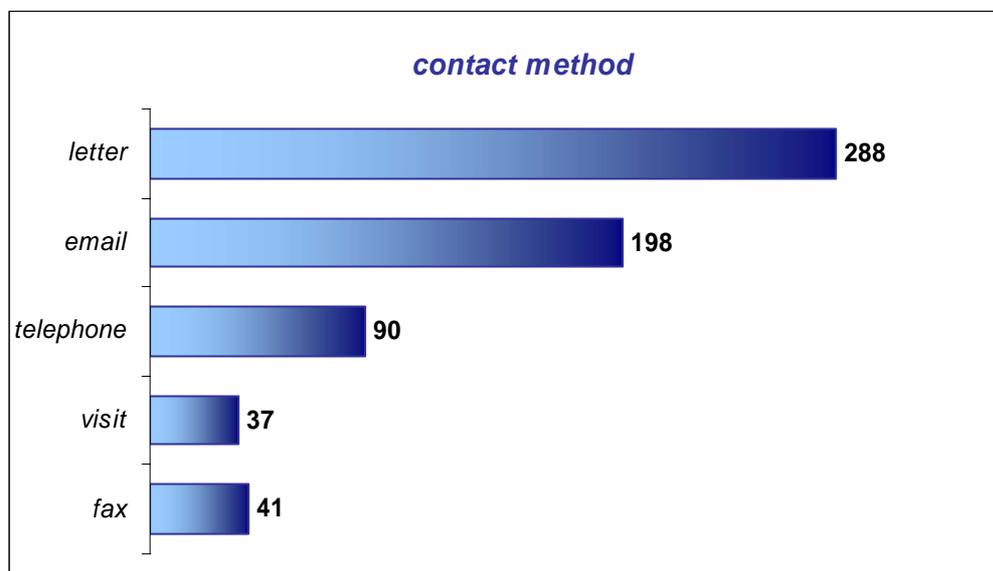


2. Complaints

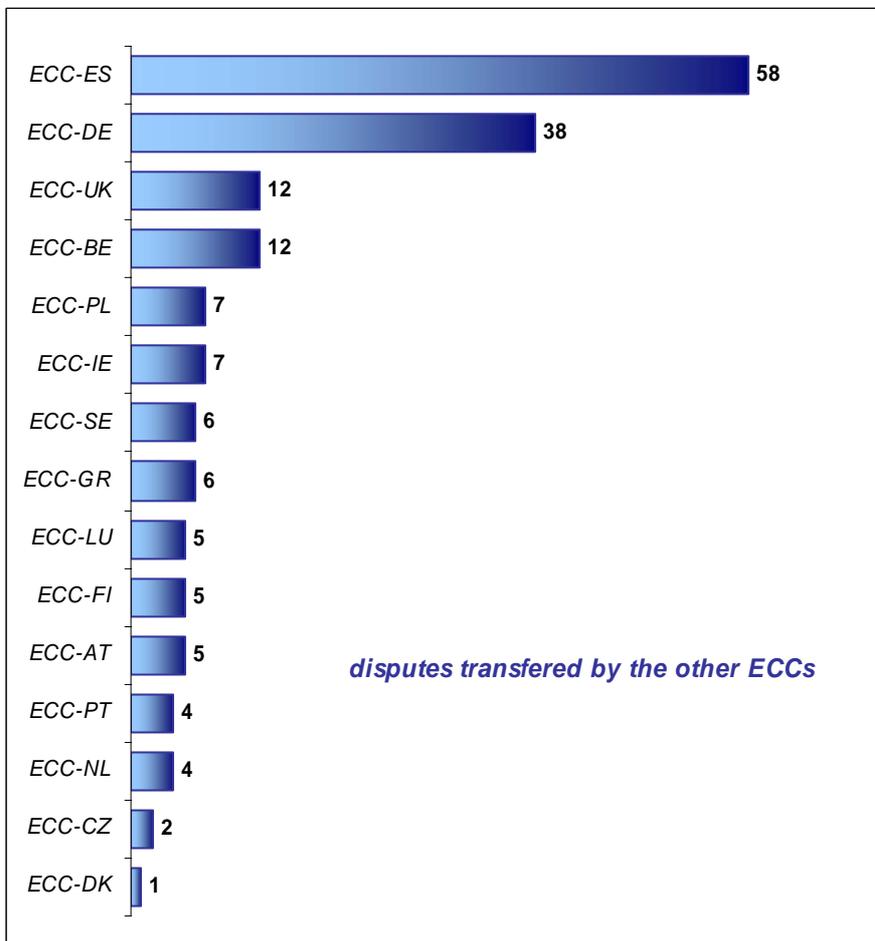
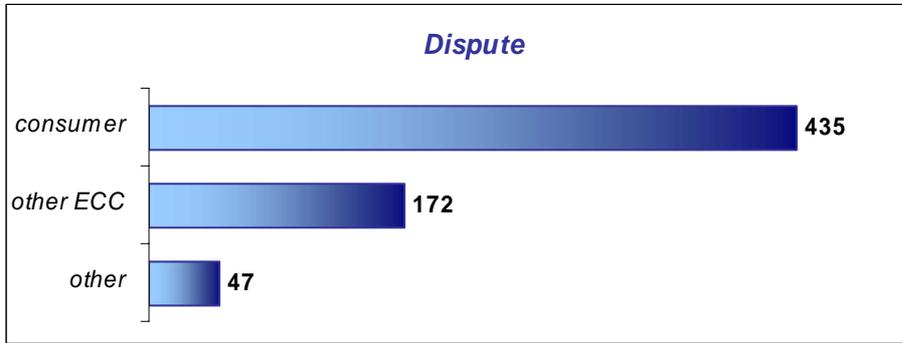


3. Disputes

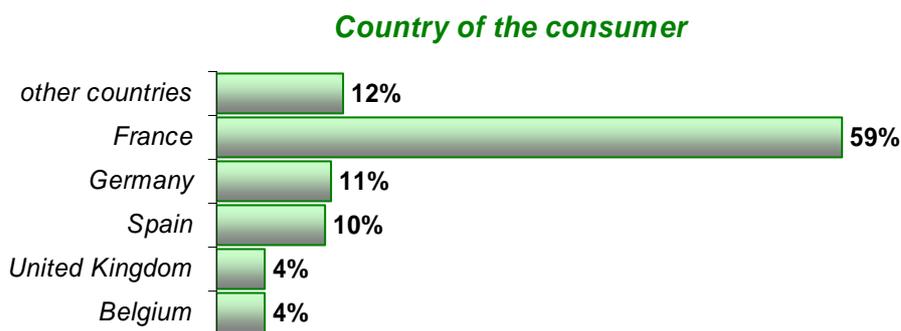
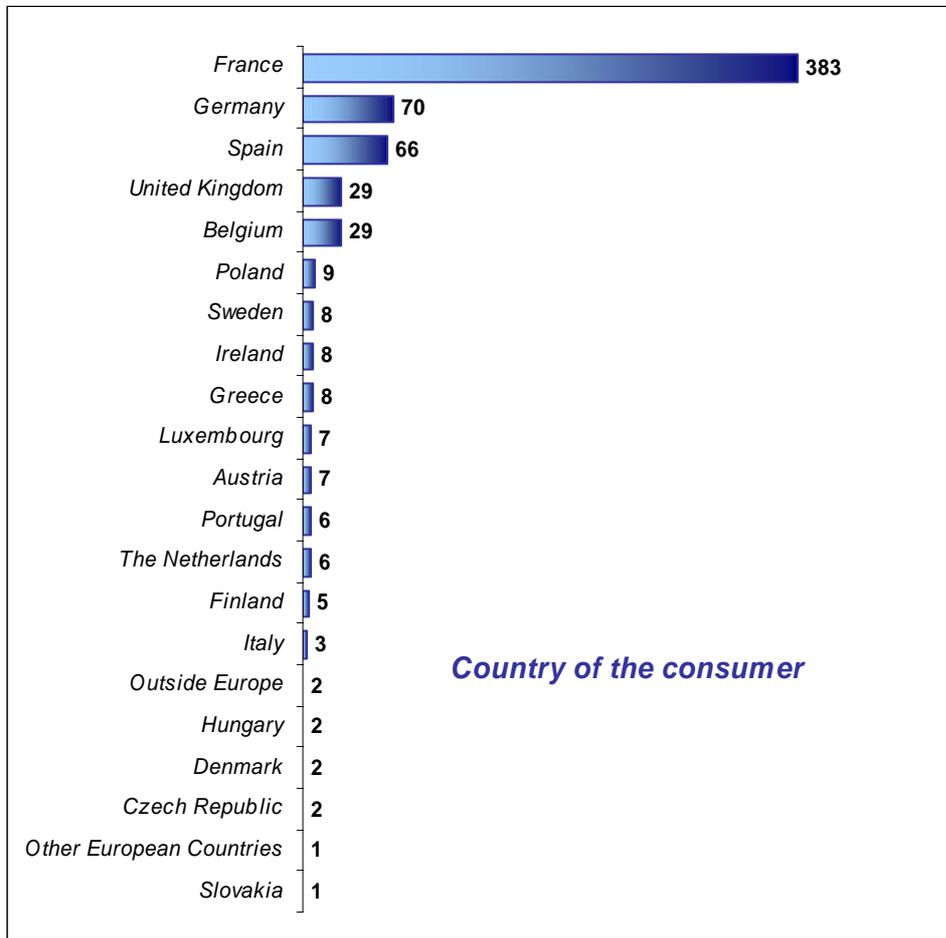
3.1. Contact method



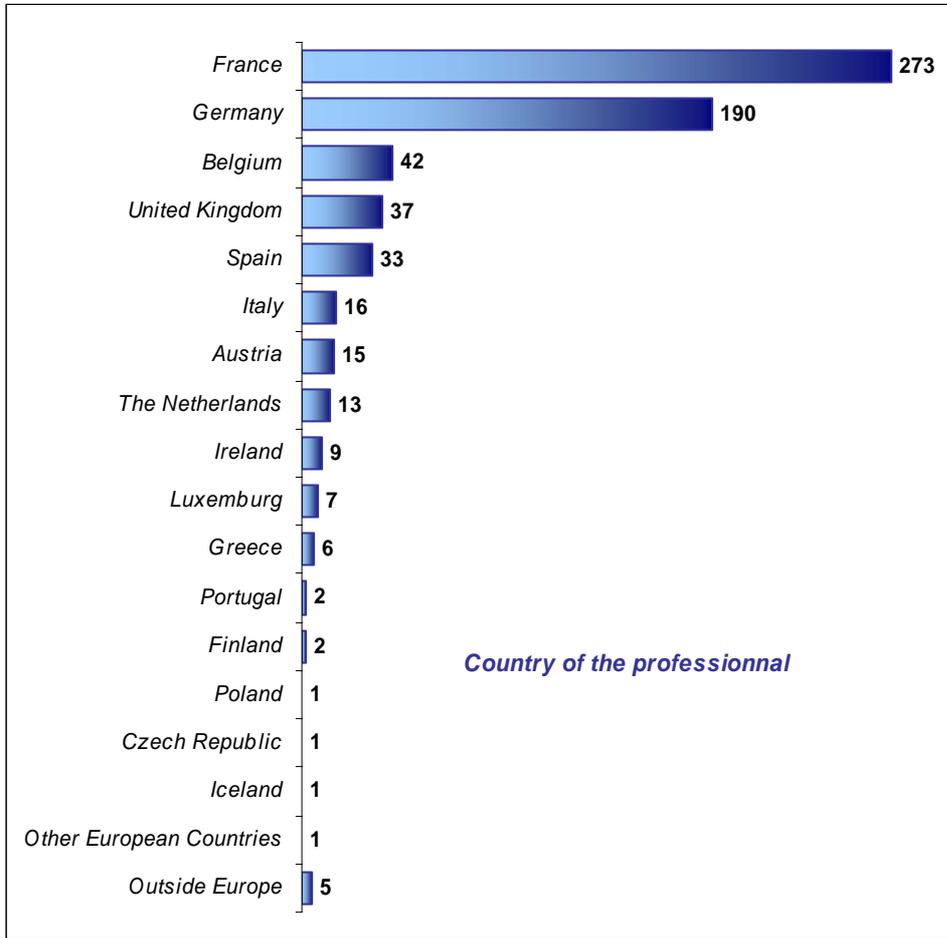
3.2. Disputes received from



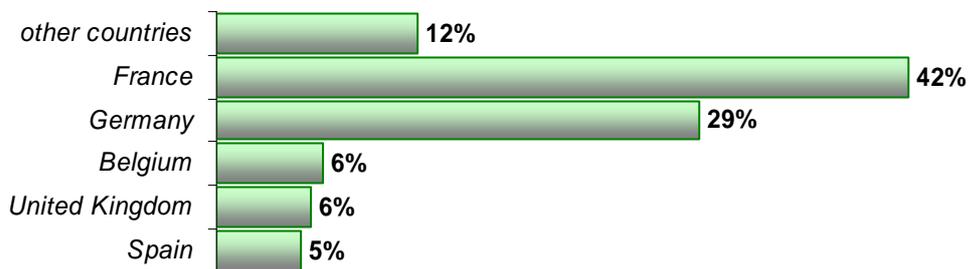
3.3. Country of the consumer



3.4. Country of the professional

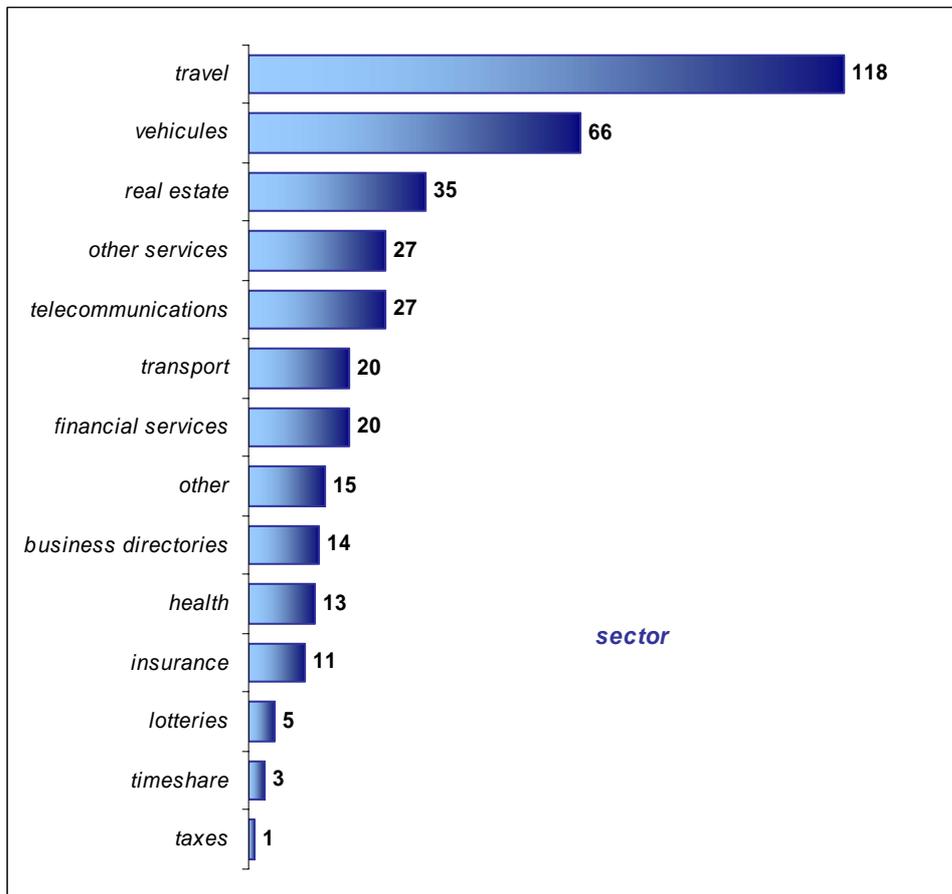


Country of the professionnel

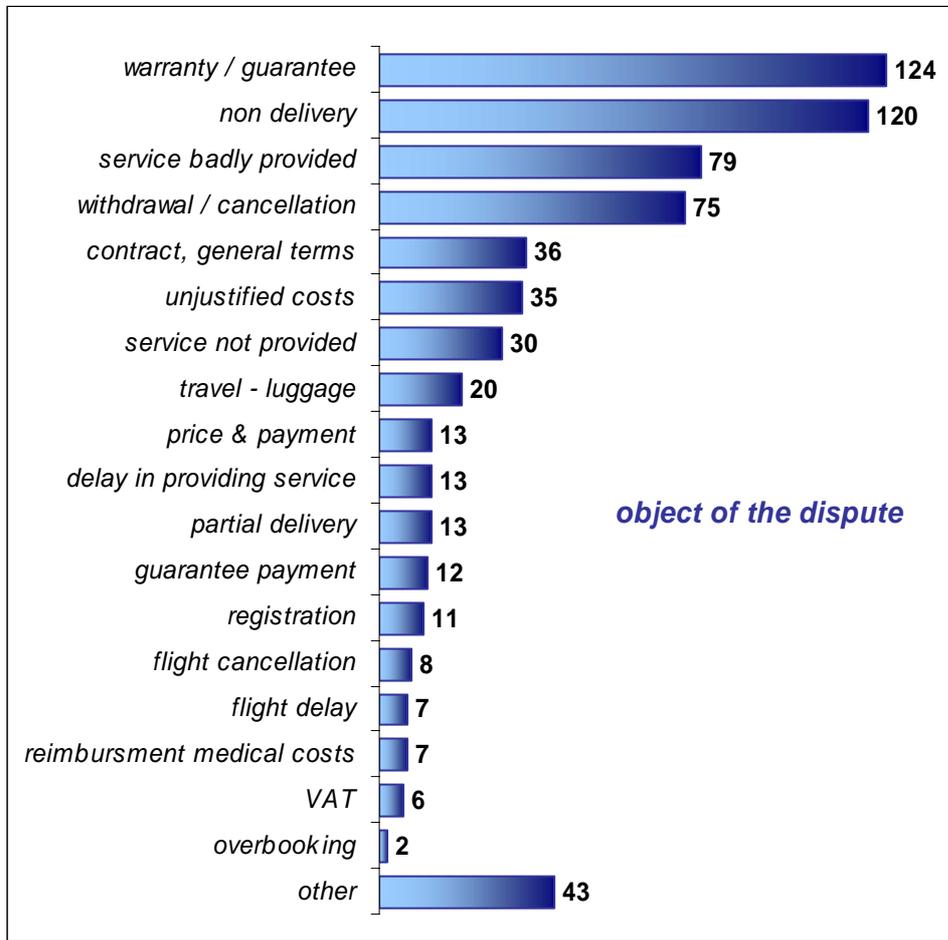


3.5. Category of disputes

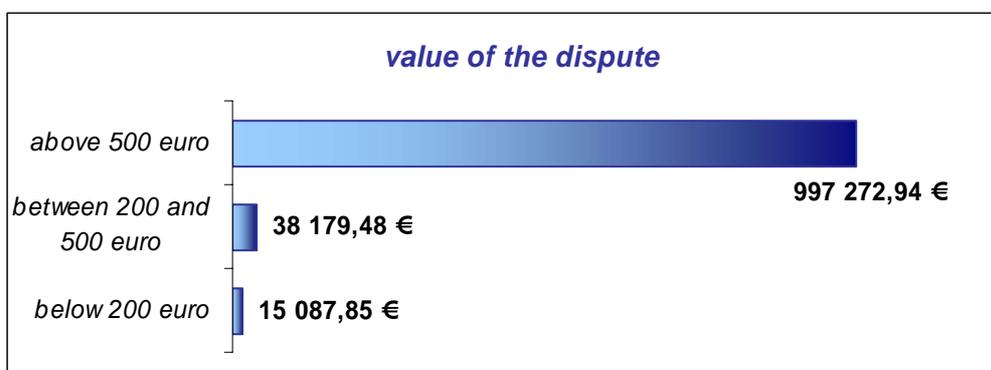
The category « purchase of goods » includes more the 40% of the disputes, the other sectors have been detailed.



3.6. Object of the dispute

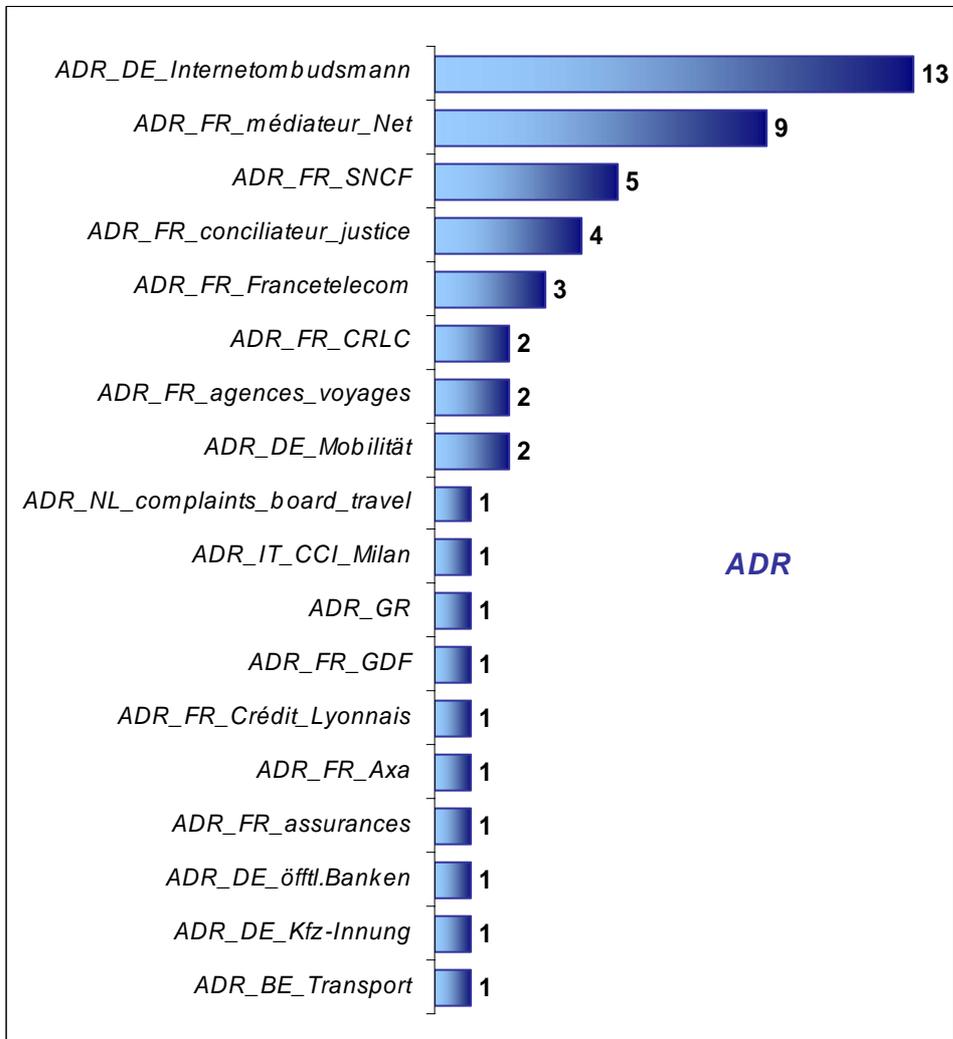
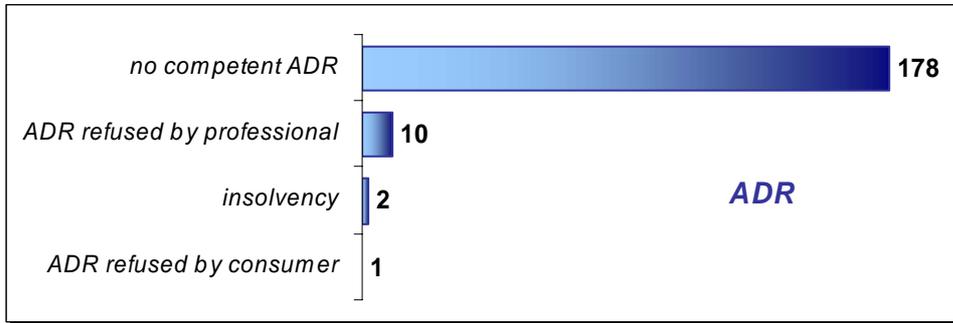


3.7. Value of the disputes



In 95% the value of the disputes was more than 500 €.

3.8. ADR



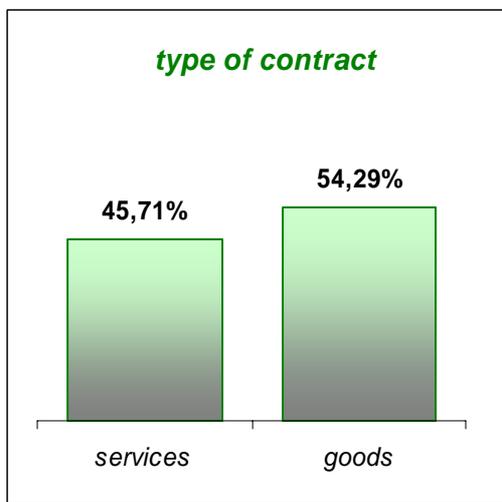
Activity sectors in which national ADRs are lacking

Indirect taxes
Purchase of property
Real estate: construction/renovation
Renting
Lotteries
Banking services
Health
Timeshare
Tourism: seasonal renting/hotels
Tourism: air passenger rights
Package travel
Public transport and transportation of goods
Car purchase
Car hire
Craftsmen

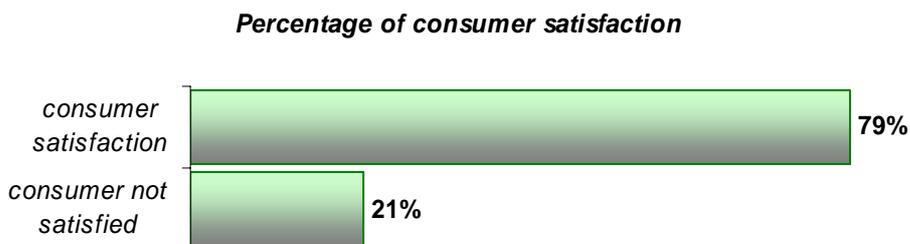
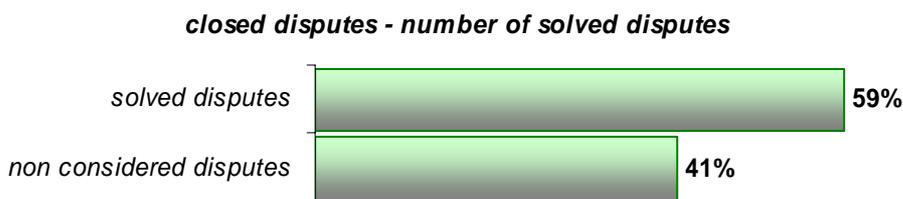
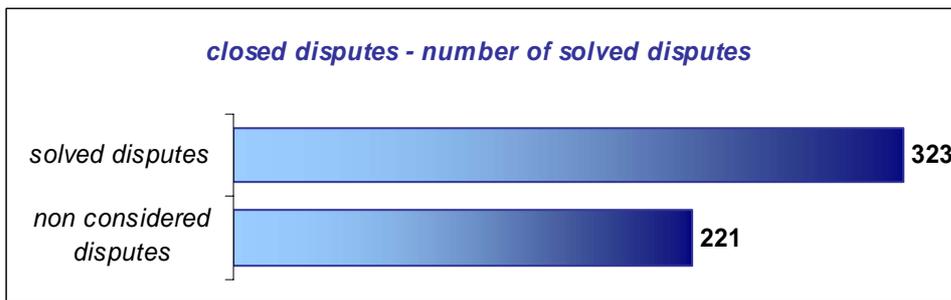
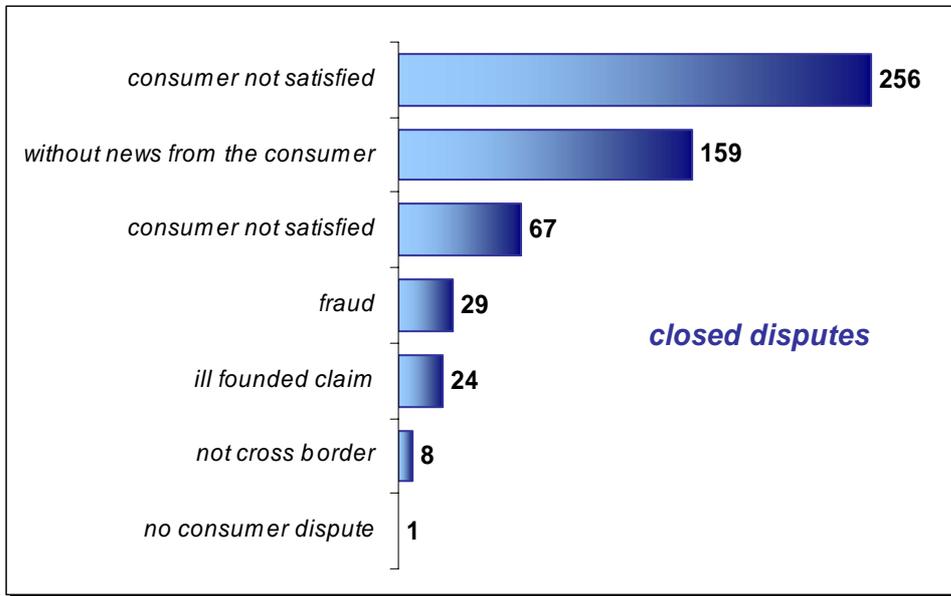
Results

Consumer satisfaction	18
Consumer not satisfied	4
Without news from the consumer	12
Injustified demand	1
total of closed cases	35
Ongoing cases	15
total ADR	50

3.9. Type of contract



3.10. Closed disputes : 516





In this diagram we consider all closed files, even Dans ce graphique, nous considérons tous les

- Fraud cases
- Cases in which we didn't get any news from the consumer
- Not consumer cases
- Not cross border cases
- Ill founded complaints
- Cases in which the consumer isn't satisfied

If we consider only the cases closed to the satisfaction of the consumer, we will find the following figure :

Total amount of the cases closed to the satisfaction of the consumer: **267 012.87 euros**