# Regulation (EU) No 954/2011 of the European Parliament and of the Council of 14 September 2011 amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (Text with EEA relevance)

## REGULATION (EU) No 954/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 September 2011

amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) Regulation (EC) No 2006/2004[(3)] lays down the conditions under which the competent authorities in the Member States designated as responsible for the enforcement of the laws that protect consumers' interests are to cooperate with each other and with the Commission in order to ensure compliance with those laws and the smooth functioning of the internal market, and in order to enhance the protection of consumers' economic interests.

(2) Point (a) of Article 3 of Regulation (EC) No 2006/2004 defines 'the laws that protect consumers' interests' as the Directives, as transposed into the internal legal order of Member States, and the Regulations listed in the Annex to that Regulation ('the Annex').

(3) Since the entry into force of Regulation (EC) No 2006/2004, several of the legislative acts listed in the Annex have been repealed, and new legislation has been adopted.

(4) Directive 84/450/EEC[(4)] has been repealed and replaced by Directive 2006/114/EC[(5)]. The reference to Directive 84/450/EEC should therefore be removed from the Annex and replaced by a reference to the specific Articles of Directive 2006/114/EC which aim at protecting consumers' interests.

**Changes to legislation:** *Regulation (EU) No 954/2011 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 24 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Whilst Directive 87/102/EEC[(6)] has been repealed and replaced by Directive 2008/48/EC[(7)], Directive 2008/48/EC does not expressly state that references to the repealed Directive 87/102/EEC are to be construed as references to Directive 2008/48/EC. For reasons of legal certainty, the reference to Directive 87/102/EEC in the Annex should therefore be replaced by a reference to Directive 2008/48/EC.

(6) Directive 89/552/EEC[(8)] has been repealed and replaced by Directive 2010/13/EU[(9)]. Pursuant to the second paragraph of Article 34 of Directive 2010/13/EU, references to Directive 89/552/EEC are to be construed as references to Directive 2010/13/EU. However, for the sake of clarity, the reference to Directive 89/552/EEC in the Annex should be replaced by a reference to the relevant Articles of Directive 2010/13/EU.

(7) Directive 93/13/EEC[(10)] was not amended by Decision 2002/995/EC[(11)]. Therefore, the reference to that Decision should be removed from the Annex.

(8) Directive 94/47/EC[(12)] has been repealed and replaced by Directive 2008/122/EC[(13)]. Pursuant to the second paragraph of Article 18 of Directive 2008/122/EC, references to Directive 94/47/EC are to be construed as references to Directive 2008/122/EC. However, for the sake of clarity, the reference to Directive 94/47/EC in the Annex should be replaced by a reference to Directive 2008/122/EC.

(9) Directive 97/55/EC[(14)] is an amending Directive to the repealed Directive 84/450/EEC. Therefore, the reference to Directive 97/55/EC should be removed from the Annex.

(10) The Annex should be amended accordingly.

(11) It is necessary to assess the effectiveness and operational mechanisms of Regulation (EC) No 2006/2004 and thoroughly examine the possible inclusion in the Annex of additional laws that protect consumers' interests, with a view to a possible revision of that Regulation aimed at providing public enforcement authorities with improved means to effectively detect, investigate and bring about the cessation or prohibition of infringements harming the collective interests of consumers in cross-border situations. To that end, the Commission should submit as soon as possible, and in any event by the end of 2014, a report to the European Parliament and to the Council, accompanied, where appropriate, by a legislative proposal,

HAVE ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2006/2004 is hereby amended as follows:

(1) the following Article is inserted:

*Article 21a*

**Review**

By 31 December 2014, the Commission shall submit a report to the European Parliament and to the Council which shall assess the effectiveness and operational mechanisms of this Regulation and thoroughly examine the possible inclusion in the

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Annex of additional laws that protect consumers' interests. The report shall be based on an external evaluation and extended consultation of all relevant stakeholders, and shall be accompanied, where appropriate, by a legislative proposal.;

(2) the Annex is amended in accordance with the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 14 September 2011.

*For the European Parliament*

*The President*

J. BUZEK

*For the Council*

*The President*

M. DOWGIELEWICZ