

8 October 2002

Ms M Tousseyn
Unit B.4
Directorate-General for Health and Consumer Protection
European Commission
Rue Belliard 232 6/116
1040 Brussels
Belgium

Dear Ms Tousseyn

Safety of Services for Consumers

I am writing on behalf of the Association of Personal Injury Lawyers (APIL) in the context of the Directorate-General's consultation on the above. APIL is a membership organisation based in the UK that campaigns on behalf of personal injury victims. We have, therefore, a direct interest in issues relating to consumer safety. We currently have around 5000 members and membership largely comprises lawyers and academics.

We were extremely interested to read about the Commission's work to date in relation to the safety of consumer services and we would certainly support further Community action in this area. The safety of consumers must be paramount and so, in general terms, we are certainly attracted by the suggestions that consumer service providers should be under:

- A general, legally binding obligation to deliver consumer services safely;
- An obligation to take preventive action, through risk assessment/management, the provision of information and training.

If the Community does take action in this area, we think it would be important to develop sector-specific guidance, as the general legal obligations would cover such a wide range of services. Whilst it may be appropriate for any such guidance to be informative, rather than binding, we would be concerned about the development of a system based wholly on a non-regulatory approach, as this may not be sufficiently robust to protect consumer interests. In addition, there would, in our view, be little point in introducing legal obligations, unless compliance with those obligations was closely monitored and effectively regulated. We are unsure whether the infrastructure currently exists within members states to achieve this and believe this merits further consideration.

We have found it difficult, however, to provide more detailed views in the absence of both relevant data and more specific information on member states' current approaches to service safety. We believe it would be helpful for the Community to collate the further information suggested in the consultation paper, before developing any further proposals.

If you would like any further information or clarification in relation to APIL's current position on the issues raised in the consultation paper, please do not hesitate to contact, in the first instance, Annette Morris, APIL's policy research officer, at the above address. We look forward to hearing about the Commission's progress following this consultation and to contributing to its future work in this area.

Yours sincerely

Denise Kitchener
Chief Executive