
Introduction: Re-Shaping Consumer Policy in Europe Enabling Consumers to Act?

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Consumer policy used to be an appendix to market integration in Europe. In the meantime the European Commission has turned consumer protection into a tool to boost the European Union's reputation. Be it new regulations on mobile phone tariffs, be it regulatory threats to energy companies: the Commission seeks to act on behalf of consumers to dilute the image of business friendly deregulation. Although there are still national paths to consumer protection it is the Commission that longs for a comprehensive policy at the European level. Is this still part of the Commission's drive for economic integration? Or is consumer policy facing its own renewal throughout Europe, with subjects like food safety, obesity or smoking as most salient issues?

This special issue of German Policy Studies sheds light on ongoing trends in European consumer protection, both at national and European level. Following Majone (1996), integration by law is the European way of regulatory politics. A lot of legal scholars agree that EC competition law and contract law have paved the way to harmonising consumer policy throughout Europe (Micklitz 2004; Stuyck 2005).

From the perspective of political science, questions on convergence turn up. Research has revealed that three models of consumer protection shape Western democracies: the protection model, the information

model, and the negotiation model (Trumbull 2006). Most European countries have subscribed to the information model. It seeks to reduce informational asymmetry between producers and consumers and rests on neo-classical assumptions on consumer sovereignty (Rischkowsky/Döring 2006). Interestingly, it is the United States that has bolstered rights and legal claims as main tool of consumer protection; by and large consumer policy is still much more adversarial than in Europe (Strünck 2005). What happens at the European level might push member states towards one of those national models. It might turn them into a new one, as well. Or the whole agenda of harmonisation gets stuck and national models prevail. There is still no clear answer to that question.

Yet distinctive changes have been under way. Is consumer policy across Europe really about to be re-shaped? Some pundits argue that markets have changed dramatically, not politics (Arkenstette 2005). The growing complexity of knowledge society and its markets exceeds consumers' capacities. Yet politics has not kept pace. Others hold that it is just the other way round. It has been consumer policy that enabled companies to innovate and change markets (Twiggs-Flesner 2005). Advocates of consumer policy even claim that consumer policy could do a lot more to create innovative markets (Müller, this volume).

One way or another, consumer policy in Europe no longer just aims to protect consumers from risks. It has turned from that kind of passive policy into activation. Consumer behaviour is targeted by governments to achieve sustainable consumption and environmental quality (Karsten and Reisch, this volume). Even administrative regimes of risk regulation might get politicized, due to political benefits governments might achieve by it. A comparison of food safety regimes in three countries reveals that de-politicization is not a uniform trend throughout Europe (Janning, this volume). New issues like fighting obesity or smoking trigger new forms of consumer education and

prevention (Kurzer, this volume). And to stimulate social markets and raise efficiency of social policy paternalism is partly traded for consumers' choice (Blank, this volume).

However, does activation increase the input and help to plant consumer democracy (Lamla, this volume)? Or is it more the output of effective regulation that secures the legitimacy of even supranational consumer protection (Krapohl, this volume)? In between these two options of "consumer democracy" there still is a third way which is popular throughout Europe. In the US it is consumers' rights and litigation that have impressively shaped consumer policy. In Europe it is much more governments and quasi-governmental organisations that provide information and counselling. Yet there is an emerging pattern in the European Union in which a soft version of American adversarial legalism might blossom. Both at national and supranational level public interest groups are assigned new rights to sue in the name of consumers (Strünck, this volume).

This stops short of inventing class actions American style. However, just improving consumer information is traded for a more adversarial approach. This is also true for the European Commissions' strive for strengthening consumer rights in telecommunication policy or energy policy. For the Commission consumer advocacy is tempting because it is a visible way to boost the Commission's image among European citizens.

The current face of consumer policy is changing in Europe. New approaches are supposed to activate consumers and consumer organisations for the sake of functioning markets. So the picture is mixed. On the one hand, there is still the notion of consumer protection being a lubricant for market integration in Europe. On the other hand, consumers are more and more dealt with as consumer citizens that take responsibility for sustainable development.

One way or another, consumer policy in Europe is about to leave the path of just providing better information and testing. Be it new types of regulation, awareness campaigns, more options for litigation or bolstered rights for consumers

on welfare markets: consumer policy gradually turns into consumer politics.

References

- Arkenstette, Matthias, 2005: Reorientation in Consumer Policy - Challenges and Prospects From the Perspective of Practical Consumer Advice Work. *Journal of Consumer Policy*, Vol. 28, p. 361-370.
- Majone, Giandomenico, 1996: *Regulating Europe*. London; New York.
- Micklitz, Hans-W., 2004: The Principles of European Contract Law and the Protection of the Weaker Party. *Journal of Consumer Policy*, Vol. 27, p. 339-356.
- Rischkowsky, Franziska, and Thomas Döring, 2006: Consumer Policy in a Market Economy: Considerations from the Perspective of the Economics of Information, the New Institutional Economics as well as Behavioural Economics. *Journal of Consumer Policy*, Vol, 31, p. 285-313.
- Strünck, Christoph, 2005: Mix-Up: Models of Governance and Framing Opportunities in U.S. and EU Consumer Policy. *Journal of Consumer Policy*, Vol. 28, p. 203-230.
- Stuyck, Jules, 2005: EC Competition Law After Modernisation: More Than Ever in the Interest of Consumers. *Journal of Consumer Policy*, Vol. 28, p. 1-30.
- Trumbull, Gunnar, 2006: *Consumer Capitalism: Politics, Product Markets, and Firm Strategy in France and Germany*. Ithaca.
- Twigg-Flesner, Christian, 2005: Innovation and EU Consumer Law. *Journal of Consumer Policy*, Vol. 28, p. 409-432.

