

LESSON 6 – THE DAY TO DAY OF THE EUROPEAN UNION

1. Introduction.

As we have seen in past lessons, the European Union is an international integration organization. This means that the Member States, by signing their membership in it, transfer a series of national competences, which will be managed by the Union with binding effects.

The consequences of the acts adopted by the Institutions within the framework of their competences will therefore affect all the Member States, starting with their Governments and ending with the last of their citizens. In this lesson we will see which is the real effect, for ordinary citizens, of the measures that the EU adopts within the framework of the functions that the Member States have previously given.

In this context, far from entering into academic terms, the best way to understand how the decisions of the Union are incorporated into the citizen is to see several real assumptions and how they have become attached to our day to day, many times without being aware of it.

Does the action of the EU have a decisive influence on me day by day? How? In which aspects? Here we will see the following.

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2. Experiences in the EU that affect our life.

At the present time there are many facets of daily life that we take for granted, without being aware that we can enjoy all of them thanks to the action of the European Union.

Issues such as the freedom to live, work or study in any EU country, to be able to move between them without needing a passport and many times without having to change even currency, or aid to study abroad through different facets of the Erasmus + program, are for everyday European citizens daily issues, but



only a few generations ago such facilities were absolutely unthinkable.

In this sense, the EU's action is achieving with its continuous work a remarkable improvement of the quality of life of its citizens, sometimes more tangible, as in the exposed cases, and sometimes more unnoticed, as with the help of countries in need, even outside the Union itself, the fight against climate change, energy saving, travel safety and many more. This action is gradually incorporated into daily life, so that, although sometimes they are associated with community action, it is common for changes to be assumed as something natural, without the citizen being aware to whom You really owe them.

We will review some of these issues here, although they are only a very small part of the existing ones.

2.1. Free roaming arrives to the EU¹.

(EU) 2017/920 Regulation of the European Parliament and of the Council, has modified the matter on roaming surcharges that had been applied to people traveling outside their Member State when using the services of their mobile phone (calls, messages, data services, etc.) This measure, called "roaming like at home", began to take effect on June 15, 2017 and has application throughout the territory of the European Union.

With this new EU legislation on roaming without surcharges, it is allowed to use the devices in any EU country without paying for roaming services additional fees to those of the Contracting State. These rules apply to calls to mobile and fixed telephones, to the sending of text messages (SMS) and to the use of data services abroad. They also apply when receiving calls or text messages when roaming, even when the person being called uses another service provider. When these services are used while traveling within the EU, exactly the same price as in the country of origin will be paid. In practice, the operator will simply owe or subtract the consumption of roaming from the consumption volumes of the national mobile tariff plan or package that is had. If you already have a mobile phone contract that included roaming services, the contract will automatically become a roaming contract with a national tariff. All new mobile phone contracts with roaming services include, by default, "roaming like at home".

¹ [By clicking here](#) you can find further basic information about *roaming* and other rights of the consumers of the EU.

2.2. Tobacco Products Directive².

The European Commission, using its powers in matters of health and food safety, proposed to the European Parliament and the Council to legislate on tobacco products.

This has resulted in 2014/40 / EU Directive of the European Parliament and of the Council, which establishes norms of obligatory compliance on the part of the Member States regarding the manufacture, presentation and sale of tobacco products and related products: Cigarettes, rolling tobacco, pipe tobacco, cigars, cigarillos, tobacco for oral use, electronic cigarettes and herbal products for smoking.

Among the range of measures that have been implemented following the Directive, we can highlight a couple of issues that we have seen at street level:

- On the one hand, it is required to include health warnings on the packaging of tobacco products and related products. The combined warnings (images, text and information on how to quit smoking) should cover 65% of the front and back sides in the case of cigarettes and rolling tobacco.
- On the other hand, the advertising elements on tobacco products, electronic cigarettes and herbal products for smoking are prohibited; which is why ads for tobacco that previously could be seen on television or large posters on the streets have disappeared.

The Directive also faces a reality that has been increased in recent years, the boom of electronic cigarettes, for which it establishes a series of safety and quality requirements very similar to those applicable to tobacco; to prevent this new trend has harmful effects on citizenship.

² [By clicking here](#) you can find further information about the European Tobacco Directive.

2.3. Consumers in the European Union³.

The protection of consumers is one of the objectives that the European Union considers fundamental, which is why it has developed different lines of action in this area, to achieve greater security, transparency and information in transactions.

The consumer concept is very broad, which is why European policies are not only aimed at protecting the economic and legal interests of European consumers, but also include security, health, safety, the right to information and the right to information and to education, nutrition, housing and a long etcetera.

In this context, the EU's consumer policy is constantly updated, addressing the new realities that arise and trying to guarantee at all times a minimum level of protection for all EU consumers, regardless of their country of origin and the applicable national legislation.

Next, we want to highlight some of the main achievements that, among many others, the Union has achieved in this area:

- Protection of Consumer safety.
 - Requirement of the [«CE» seal](#) for the sale of products on the EU market, with the aim of guaranteeing their safety.
 - Creation of [RAPEX](#), a rapid alert system that notifies inspectors of all Member States about the measures adopted in any State towards a dangerous non-food or pharmaceutical product.
 - Strengthening [food security](#), through legislation guaranteeing a high level of protection of food sold in the EU, at all stages of production and distribution).
 - Regulation of [cosmetic products](#), establishment of common standards on their composition, labelling and packaging to ensure product safety. In addition, since 2013, animal testing is prohibited.

³ [Putting the consumer first, Directorate-General for Communication \(European Commission\).](#)



- Protection of Consumer rights.
 - Prohibition of the so-called [unfair commercial practises](#), which include a whole series of sales techniques that can be considered aggressive - such as making repeated calls to the home without prior permission to do so -, deceptive - like making believe that a product has properties of which lacking - or harmful to vulnerable consumers - such as encouraging children to make purchases.
 - Protection in matters of, [distance purchases](#), setting minimum information to the consumer, the right of withdrawal in 14 working days, etc.
 - Two years [guarantee](#) with the right to free repair, of all products purchased in the EU.
- Protection of Consumer on vacation and abroad.
 - Regulation of [passengers rights](#) in all means of transport, such as information, assistance or compensatory measures in case of cancellation or long delay.
 - Elimination of *roaming*.
 - Establishment of guarantees in the field of [package holidays](#), such as transferring to another person a trip that can not be made.
- The right to housing. Recently the CJEU has pronounced itself on two cases of great repercussion for thousands of people affected in Spain by two mortgage problems, which compromised this basic right of citizens:
 - The «floor clause». These are prerogatives that were included in a lot of deeds of mortgage loans subscribed to variable rates throughout Spain. These suppose an update of the type of interest based on a reference index, reason why they can increase or diminish according to the evolution of this one. But these clauses set a ceiling for downward updating, setting a minimum interest rate or "floor", below which interest on the mortgage would no longer be updated. Because of the global economic crisis that occurred as of 2008, the reference indices fell below the fixed floors. Then the banks activated this clause and charged those who had it subscribed interest far higher than those applicable to the market situation at the time.

The Spanish Supreme Court declared them abusive, illegal and void, according to national and EU law, by not passing the transparency filter at the time of assuming the consumer said clauses due to lack of information and prior clarity about the consequences that led . Consequently, it recognized the right to recover amounts unduly paid in application of the floor clauses, but only as of May 2013, the date of its judgment.

However, the CJEU, in December 2016⁴, established that the abusive nature of a clause implies having it as not included in the contract. This extended the right to request the return of the excess interest, absolutely; at the time they began to be paid, and obliged the banking entities to reimburse all the money they had illegally collected as a result of said clause since they signed the mortgages that contained it.

- The foreclosure procedure. The CJEU also annulled some conditions that had been applied in certain evictions, which allowed the banks to execute these and auction the properties - which make the sale irreversible- without taking into account the possible complaints raised about the abusive clauses that allowed them to carry out eviction⁵.

- And the revision of mortgages linked to the index IRPH (Mortgage Loan Reference Index) mortgage index alternative to the Euribor that is applied in Spain to a significant number of mortgages and that, in addition to being higher than that, has a fixing mechanism susceptible of being manipulated by the creditor entities of the mortgage loans.

2.4. Planned obsolescence.

Recently the European Parliament has approved a [report on a longer lifetime for products](#), which should serve as a basis for the European Commission to propose a regulation that prevents the consumer from being forced to discard products sooner than necessary. This presents difficulties, because it is necessary to look for a balance between maintenance and innovation. But the first, simpler measures are already planned:

⁴ [21th December of 2016 judgment \(joined cases C-154/15, C-307/15 and C-308/15\).](#)

⁵ [Aziz judgmentv 14th March of 2013 \(Case C-415/11\).](#)

- The extension of energy labels to all electronic products.
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- The introduction in these labels of aspects such as durability and reparability.
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- The promotion of the recovery of reusable elements of these products.
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- The extension of the guarantee over two years.

The Commission will probably also assume an investigation that has been initiated in France, on two companies whose sales take place in the territory of the entire EU: Apple, who is suspected of slowing down old iPhones with updates to encourage them to replace them with modern versions (though in their defence argue that the reason is to protect the battery), and Epson, whose ink cartridges could be unusable before they have exhausted, as they send early signals of this to the printer

2.5. Controlling large companies.

For large companies it is very easy to abuse their position to the detriment of consumers and it is the task of the European Institutions to control that this does not happen. In particular, the Commission and the CJEU have already carried out many measures to curb their practices in different fields:

- Filing companies for abuse of dominant position, such as the 2.420 million Euros imposed on Google for placing their own products in a predominant position when the user uses their search engine to find products and compare prices; or for carrying out cartel practices, such as the 622 million euro imposed on a group of faucet and sanitary companies, among which is the Spanish company Roca.
- Adopting measures that avoid tax advantages, such as the complaint lodged by the Commission against Ireland before the CJEU for not recovering the 13,000 million Euros that Apple had stopped paying due to the particular tax regime of the country, the requirement that France recover 1,370 million Euros for the pardon of a tax credit granted to EDF (Électricité de France) that was considered a State aid that violates the competition, or the investigation to Mc Donald's, which declares in Luxembourg a benefit of 1,800 million dollars for the that only pays a 1.49% tax and not the 29.2% that is normally applied there.



- Investigating the figures of large companies, such as Amazon, which in the last 10 years reported net profits of 11 million Euros, with sales of more than 60,000 million, which for now has been imposed a fine of 250 million of Euros for this reason.

ADDITIONAL DOCUMENTS

Videos:

- [End of roaming: Questions from social media.](#)
- [Streaming without borders: new rules for online content.](#)
- [Tobacco Products Directive: Time to get serious?](#)
- [MEP Nicola Danti: the sharing economy is changing the rules of the game.](#)
- [European Health Insurance card: keeping you safe abroad](#)
- [Your rights while travelling in Europe](#)
- [A-Z: P for Passenger Rights](#)



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The day to day of the European Union



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