

14 December 2011

Screening report

Iceland

Chapter 28 – Consumer and Health Protection

Date of screening meetings:

Explanatory meeting: 11 April 2011

Bilateral meeting: 16 May 2011

I. CHAPTER CONTENT

The *acquis* on consumer and health protection consists of regulatory measures, recommendations to Member States, coordination and support of Member States' activities as well as financial support. The Chapter covers the interests of the citizens as regards consumer policy, notably safety and economic interests, and public health.

The *acquis* in the area of **consumer protection** covers legislation in the field of consumer protection, including on product safety and the Union's Rapid Alert System (RAPEX), cross-border cooperation and enforcement, sale of consumer goods and associated guarantees, unfair contract terms, price indications, doorstep selling, distance selling, distance marketing of financial services, consumer credit, misleading and comparative advertising, unfair commercial practices, timeshare, package travel, injunctions for the protection of consumer interests and access to justice.

The *acquis* in the area of **public health** deals with issues related to tobacco control, communicable diseases, blood, tissues, cells and organs, patients' rights in cross-border healthcare, and also with mental health, drug abuse prevention, health inequalities, nutrition, alcohol related harm reduction, cancer screenings, healthy environments including prevention of injury, promotion of safety as well as European action in the field of rare diseases.

Implementation and enforcement of consumer and health protection policies require adequate administrative capacities and infrastructure at national, regional and local level. As regards consumer protection, this refers to effective market surveillance and appropriate independent judicial and out-of-court dispute resolution mechanisms. It is also necessary to raise public awareness, consult with the public and involve consumers actively in effective policy implementation, thus informing and educating the consumer and ensuring a role for consumer associations.

Consumer protection is covered by Annex XIX to the EEA Agreement, except for the Directive on distance marketing of financial services (non-safety related issues), which is covered by Annex IX on financial services. The EEA Agreement also contains provisions on public health (Protocol 31 and Annex II).

II. COUNTRY ALIGNMENT AND IMPLEMENTATION CAPACITY

This part summarises both the information provided by Iceland and the discussion at the screening meeting. Iceland indicated that it can accept the *acquis* regarding consumer and health protection and it does not expect any difficulties to implement the *acquis* by the date of accession.

II.a. Consumer protection

Horizontal aspects

The overall responsibility for general consumer protection policy lies within the Ministry of Interior and the Ministry of Economic Affairs. The Consumer Agency and the Consumer Spokesman were established in 2005. The Consumer Agency is an enforcement, supervision and policy making body, whereas the Consumer Spokesman is appointed to safeguard consumers' interests and rights and enhance further consumer protection, while not having a role in enforcement. The Consumer Agency also has the legal obligation to ensure coordination of enforcement of competent market surveillance authorities. Furthermore, there is a Committee for settlement of disputes in consumer sales of goods and services contracts as well as various alternative dispute resolution bodies to deal with consumer complaints. Most of the bodies follow the EU recommendations on *out-of-court settlement of consumer disputes*.

The Consumer Association of Iceland has around 10 000 members, and also various NGOs are involved in consumer protection issues. Iceland is an observer in the Consumer Protection Cooperation Committee.

Product safety related issues

Product safety related issues are regulated by the Act on *product safety* and official market control, the Regulation on the safety of toys and *dangerous imitations*, the Regulation concerning *marketing restrictions on child-resistant and novelty lighters* and the Act on the Consumer Agency and Consumer Spokesman. A new Regulation is under preparation banning products containing *biocide dimethylfumarate*.

As regards administrative capacity, the Consumer Agency is the national market surveillance authority responsible for the enforcement of product safety rules, including sector-specific legislation, and acts as the national RAPEX Contact Point.

At EU level, Iceland participates in the meetings of the General Product Safety Directive Committee, the Consumer Safety Network and RAPEX contact points.

Non-safety related issues

Revision of the legislation on *price indications* is ongoing in order to guarantee better enforcement. Iceland stated that it is planning to amend the legislation on *unfair terms in consumer contracts*, on *credit agreements for consumers* as well as on *timeshare* in 2011/2012 to bring them in line with the *acquis*. Also minor amendments to the legislation on *injunctions* are planned to be proposed in the first half of 2012.

II.b. Public health

Tobacco control

Iceland stated that the *acquis* on *tobacco products* and *tobacco advertising* is fully implemented. Iceland was among the first countries to ban tobacco advertising and, since 1974, this trend has continued leading to a total ban on tobacco advertising and other forms of promoting tobacco products, including a display ban at points of sale. Legislation on *pictorial health warnings* on tobacco products (currently an optional measure at EU level) entered into force in August 2011. As regards the Council Recommendations on *smoke-free environments* and on *smoking prevention*, Iceland confirmed that its legislation already provides for all recommended measures and in certain points the Icelandic legislation goes even further, for example the sale of tobacco in vending machines is forbidden.

Iceland ratified the WHO *Framework Convention on Tobacco Control* (FCTC) in 2004 and pointed out that the general principles of the Convention were already part of the Icelandic legislation and administration at the time of ratification.

Communicable diseases

Iceland stated that the basic act regulating communicable diseases is the Act on health security and communicable diseases. A new list of communicable diseases to be covered by the EU surveillance system has been finalised and will be published soon. Iceland also stated that structures for epidemiological surveillance and for early warning and response to communicable diseases are in place. The reporting system of communicable diseases is continuously being revised. Iceland considers laboratory facilities as sufficient, bearing in mind that also laboratories in neighbouring countries may be consulted and this is also done regularly.

Blood, tissues, cells and organs

Iceland implements the *acquis* on *blood, tissues, cells and organs*. Iceland stated that the new EU *guidelines concerning the conditions of inspections and control measures, and on the training and qualification of officials, in the field of tissues and cells* are under consideration. A competent authority is in place.

Patients' rights in cross-border healthcare

Iceland stated that legal alignment with the new Directive 2011/24/EU on the application of *patients' rights in cross-border healthcare* has started. The Ministry of Welfare has recently published a report on cross-border healthcare. In general, Iceland stated that there are fewer patients than expected that have come to Iceland for treatment. Most patients come from Greenland and the Faroe Islands.

Mental health, drug abuse prevention, health inequalities, nutrition, alcohol related harm reduction, cancer screenings, healthy environments including prevention of injury, promotion of safety and rare diseases

Mental health services are like all health services based primarily on the Icelandic Health Act. Mental health is listed among the priorities of the National Health Plan, and the measures taken in this area by the Icelandic authorities are similar to those in the EU Member States. Iceland stated that mental health promotion has gained solid ground and there are good examples of community-based mental health services to be found in Iceland.

Iceland stated that *drug abuse prevention, nutrition and alcohol abuse prevention* are among the priorities of the draft National Health Plan 2020. Iceland has also established an Alcohol and Drug Abuse Prevention Council.

Screening for breast and cervical *cancer* is performed in accordance with the European guidelines. Vaccinations of all 12-year-old girls against HPV infection and cervical cancer started in autumn 2011. A regular colorectal cancer screening is expected to start in 2013 for the age group 60–69. Iceland stated that survival rates after cancer diagnosis are among the best in Europe. Work is also starting on a comprehensive Cancer Plan. Moreover, cancer prevention is one of the priority projects in the draft National Health Plan 2020.

In the area of healthy environments, according to Iceland, technical capacity is in place to fulfil the requirements of the Council Recommendation 1999/519/EC on the limitation of exposure of the general public to *electromagnetic fields*. Iceland stated that technical capacity is also in place in the areas of *prevention of injury* and *promotion of safety*. Violence and injury prevention is one of the main objectives of the draft National Health Plan 2020.

Iceland stated that *rare diseases* in Iceland's small population¹ are extremely uncommon. There are no legislative or regulatory provisions in Iceland in this area. The Chief Epidemiologist is responsible for rare diseases. Iceland participates in the EU Committee of Experts on Rare Diseases.

III. ASSESSMENT OF THE DEGREE OF ALIGNMENT AND IMPLEMENTING CAPACITY

Overall, as a member of the European Economic Area, Iceland has reached a high level of alignment and already implements a significant part of the *acquis* in the field of consumer and health protection. Adequate administrative structures are in place. It should therefore be well

¹ 320 000 inhabitants.

prepared to take on the obligations of membership by the time of accession. In the area of consumer protection, legal alignment needs to be completed, proactive market surveillance needs to be developed and further efforts are necessary as regards the processing of RAPEX notifications.

III.a. Consumer protection

A consumer protection system in line with the EU consumer protection strategies and values is in place in Iceland. However, attention needs to be paid to completing legal alignment in this area. Further efforts are needed in order to develop proactive market surveillance and as regards the processing of RAPEX notifications.

Product safety related issues

The Act on product safety and official market control is broadly in line with Directive 2001/95/EC on general product safety. However, some amendments are necessary to ensure full alignment. For example, the current Icelandic legislation does not include definitions of concepts such as 'serious risk' and 'dangerous product' which are central to the operation of the RAPEX system. In addition, articles detailing obligations of manufacturers' measures that Member State authorities are entitled to take if a dangerous product is found on their market also need to be put in place. The Law on product liability needs also to be amended in order to be fully in line with Directive 85/374/EEC on liability for defective products, as amended by Directive 1999/34/EC. Moreover, the Commission Decision on banning products containing biocide dimethylfumurate has to be transposed.

No market surveillance activities have been performed *vis-à-vis* products not falling under sector-specific EU legislation, with the exception of decorative articles. With respect to products falling under sector-specific legislation, such as toys, electrical appliances and construction products, market surveillance seems limited. Processing of RAPEX notifications needs to be enhanced. No RAPEX notifications for products presenting a serious risk were received from Iceland in 2008–2010, although Iceland submitted a small number of notifications for products posing low risk levels and a small number of reactions to notifications sent by other Member States in 2008 and 2009. Some progress can be reported on the processing of RAPEX notifications in 2011, when Iceland submitted one notification and a dozen of reactions in connection with products presenting a serious risk.

Non-safety related issues

The new Directive 2008/48/EC on credit agreements for consumers needs to be transposed together with Commission Directive 2011/90/EU amending Annex I to Directive 2008/48/EC, as well as the new Directives 2008/122/EC on timeshare and 2009/22/EC on injunctions. Legislation in the area of unfair terms in consumer contracts needs to be amended in order to bring it in line with the Directive 93/13/EC. Directive 2005/29/EC on Unfair commercial practices is not entirely implemented. Furthermore, Iceland needs to take into account the full harmonisation nature of this Directive when revising its legislation transposing Directive 1998/6/EC on price indications. The new Directive 2011/83/EU on Consumer Rights adopted in October 2011 will also need to be transposed.

III.b. Public Health

The Icelandic system on public health has high standards and allows for effective regulation and enforcement. The legislation on health and the competent authorities involved in enforcement and implementation provide a good basis for the efficient management of changes in the future, if necessary.

Tobacco control

Iceland already implements the *acquis* and has high standards in this area.

Communicable diseases

Iceland already implements the *acquis* and has high standards in this area. Structures for epidemiological surveillance and for early warning and response to communicable diseases are in place. However, alignment with the list of communicable diseases to be covered by the EU surveillance system remains to be completed. Iceland also needs to fully align its data protection legislation with the *acquis*.

Blood, tissues, cells and organs

Implementation of the *acquis* on *blood, tissues and cells* is well on track. Alignment with the blood *acquis* has been completed. A competent authority is in place.

Patients' rights in cross-border healthcare

Iceland is carrying out activities in line with the EU policy in the area of patients' rights in cross-border healthcare.

Mental health, drug abuse prevention, health inequalities, nutrition, alcohol related harm reduction, cancer screenings, healthy environments including prevention of injury, promotion of safety and rare diseases

In the area of mental health, Iceland's measures and activities are similar to those of the Member States. Mental health is one of the priorities of the National Health Plan.

Drug abuse prevention, nutrition and alcohol abuse prevention are also among the priorities of the Icelandic National Health Plan. Screening for breast and cervical cancer is performed in accordance with the European guidelines. However, colorectal cancer screening has not yet started. Nevertheless, survival rates after cancer diagnosis are among the best in Europe.

In the area of healthy environments, including prevention of injury and promotion of safety, technical capacity is in place to fulfil the *acquis* requirements.

Furthermore, Iceland is carrying out activities in line with the EU policy in the areas of health inequalities and rare diseases.

