

Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (Text with EEA relevance)

CHAPTER V

UNION-WIDE ACTIVITIES

Article 26

Alerts

1 A competent authority shall without delay notify the Commission, other competent authorities and single liaison offices of any reasonable suspicion that an infringement covered by this Regulation that may affect consumers' interests in other Member States is taking place on its territory.

2 The Commission shall without delay notify the competent authorities and single liaison offices concerned of any reasonable suspicion that an infringement covered by this Regulation has occurred.

3 When notifying, that is to say issuing an alert, under paragraphs 1 and 2 the competent authority or the Commission shall provide information about the suspected infringement covered by this Regulation, and in particular, and, where available, the following:

- a a description of the act or omission that constitutes the infringement;
- b details of the product or service concerned by the infringement;
- c the names of the Member States concerned or possibly concerned by the infringement;
- d the identity of the trader or traders responsible or suspected of being responsible for the infringement;
- e the legal basis for possible actions by reference to national law and the corresponding provisions of the Union legal acts listed in the Annex;
- f a description of any legal proceedings, enforcement measures or other measures taken concerning the infringement and their dates and duration, as well as the status thereof;
- g the identities of the competent authorities bringing the legal proceedings and taking other measures.

4 When issuing an alert, the competent authority may ask competent authorities and the relevant single liaison offices in other Member States and the Commission, or the Commission may ask competent authorities and the relevant single liaison offices in other Member States, to verify whether, based on information that is available or easily accessible to the relevant competent authorities or to the Commission, respectively, similar suspected infringements are taking place in the territory of those other Member States or whether any enforcement measures have already been taken against such infringements in those Member States. Those competent authorities of other Member States and the Commission shall reply to the request without delay.

Article 27

External alerts

1 Each Member State shall, unless to do so would not be justified, confer on designated bodies, European Consumer Centres, consumer organisations and associations, and, where appropriate, trader associations, that have the necessary expertise, the power to issue an alert to the competent authorities of the relevant Member States and the Commission of suspected infringements covered by this Regulation and to provide information available to them set out in Article 26(3) ('external alert'). Each Member State shall without delay notify the Commission of the list of those entities and of any changes to it.

2 The Commission, after consulting the Member States, shall confer on associations representing consumer, and, where appropriate, trader, interests at a Union level the power to issue an external alert.

3 The competent authorities shall not be bound to initiate a procedure or take any other action in response to an external alert. Entities issuing external alerts shall ensure that the information provided is correct, up to date and accurate, and shall correct the notified information without delay, or withdraw it as appropriate.

Article 28

Exchange of other information relevant for the detection of infringements

To the extent necessary to achieve the objective of this Regulation, competent authorities shall, via the electronic database referred to in Article 35, notify the Commission and competent authorities of Member States concerned without delay of any measure that they have taken to address an infringement covered by this Regulation within their jurisdiction if they suspect that the infringement in question may affect consumers' interests in other Member States.

Article 29

Sweeps

1 The competent authorities may decide to conduct sweeps to check compliance with, or to detect infringements of Union laws that protect consumers' interests. Unless otherwise agreed upon by the competent authorities involved, sweeps shall be coordinated by the Commission.

2 When conducting sweeps, the competent authorities involved may use the investigation powers set out in Article 9(3) and any other powers conferred upon them by national law.

3 The competent authorities may invite designated bodies, Commission officials, and other accompanying persons authorised by the Commission, to participate in sweeps.

Article 30

Coordination of other activities contributing to investigation and enforcement

1 To the extent necessary to achieve the objective of this Regulation, Member States shall inform each other and the Commission of their activities in the following areas:

- a the training of their officials involved in the application of this Regulation;
- b the collection, classification and exchange of data on consumer complaints;
- c the development of sector-specific networks of officials;
- d the development of information and communication tools; and
- e where applicable, the development of standards, methodologies and guidelines concerning the application of this Regulation.

2 To the extent necessary to achieve the objective of this Regulation, Member States may coordinate and jointly organise activities in the areas referred to in paragraph 1.

Article 31

Exchange of officials between competent authorities

1 The competent authorities may participate in exchange schemes for officials from other Member States in order to improve cooperation. The competent authorities shall take the necessary measures to enable officials from other Member States to play an effective role in the activities of the competent authority. To that end, those officials shall be authorised to carry out the duties entrusted to them by the host competent authority in accordance with the laws of its Member State.

2 During the exchange, the civil and criminal liability of the official shall be treated in the same way as that of the officials of the host competent authority. The officials from other Member States shall comply with professional standards and the appropriate internal rules of conduct of the host competent authority. Those rules of conduct shall ensure in particular the protection of individuals with regard to the processing of personal data, procedural fairness and the proper observance of the rules on confidentiality and on professional and commercial secrecy laid down in Article 33.

Article 32

International cooperation

1 To the extent necessary to achieve the objective of this Regulation, the Union shall cooperate with third countries and with the competent international organisations in the areas covered by this Regulation in order to protect consumers' interests. The Union and the third countries concerned may conclude agreements setting out arrangements for cooperation, including the establishment of mutual assistance arrangements, the exchange of confidential information and exchange of staff programmes.

2 Agreements concluded between the Union and third countries concerning cooperation and mutual assistance to protect and enhance consumers' interests shall respect the relevant data protection rules applicable to the transfer of personal data to third countries.

Status: This is the original version (as it was originally adopted).

3 When a competent authority receives information that is potentially of relevance for the competent authorities of other Member States from an authority of a third country, it shall communicate the information to those competent authorities insofar as it is permitted to do so under any applicable bilateral assistance agreements with that third country and insofar as that information is in accordance with Union law regarding the protection of individuals with regard to the processing of personal data.

4 Information communicated under this Regulation may also be communicated to an authority of a third country by a competent authority under a bilateral assistance agreement with that third country, provided that the approval of the competent authority that originally communicated the information has been obtained, and provided that it is in accordance with Union law regarding the protection of individuals with regard to the processing of personal data.