

Newsletter

Issue 85 - October 2017

SELECTED NEWS

Free flow of non-personal data in the EU



On 12 October, the Commission will present to IMCO the proposed Regulation on the free flow of non-personal data in the European Union, which it published in September. It will also present the impact assessment underpinning that proposed Regulation. The overarching objective of the Regulation is to unlock the massive potential of the EU data market by creating a more competitive and integrated internal market for data storage services and other data processing services. The proposal flows from the 2015 DSM Strategy, and builds on the E-commerce Directive and Services Directive. One of the key provisions would prohibit any national rule that requires data to be located in a specific territory in the Union, for the purpose of data storage or other data-processing services.

[LINK: Proposal for Regulation](#)

Cybersecurity Package



On 12 October, the Commission will present to IMCO the Cybersecurity package that it published in September. The package consists of a proposal for a Regulation and several communications. One of the communications, entitled "Resilience, Deterrence and Defence: Building strong cybersecurity for the EU", sets out the Commission's overarching strategy on cybersecurity. The three key areas of the strategy are: building up EU resilience to cyber-attacks; tackling cybercrime; and strengthening global stability through international cooperation. The proposed Regulation falls within the first area of the strategy. It seeks to reform the EU's Cybersecurity Agency (ENISA) and to create a voluntary Cybersecurity Certification Framework for ICT products and services.

[LINK: Cybersecurity Package](#)

WORKING GROUP ON THE DIGITAL SINGLE MARKET

On 10 October the 13th Meeting of the IMCO WG on the DSM will take place. Under the title: the Single Digital Gateway: How the EU could meet expectations of citizens and businesses? MEPs, Representatives of the European Commission and Participants will discuss on the challenges and opportunities of this proposal. Among the main speakers are Dr. Charlotte Duke, Partner, London Economics and leader of the consumer behaviour and experimental economics work

programme, Mr. Märt Loite, Counsellor for Economic Affairs, Head of Section for COMPET matters, Permanent Representation of Estonia to the EU, Ms Marlene Mizzi MEP, Rapporteur of the Proposal for a Regulation Establishing a single digital gateway, and Ms Marian Grubben, Head of Unit for Digitalisation of the Single Market, DG GROW, European Commission.

[LINK: Subject file](#)

NEXT COMMITTEE MEETINGS

(10-11 OCTOBER 2017)

[Watch the committee meeting live](#)

Empowering the competition authorities to be more effective enforcers and to ensure the proper functioning of the internal market

On 11 October, the Committee will consider the amendments tabled in the opinion on the ECON proposal. 38 amendments have been tabled. These include two by the rapporteur (AMs 34 and 48) which update amendments in the draft opinion (AMs 7 and 14 respectively). The amendments can be grouped around five or six themes which will need addressing in the process of finding compromises. These themes include, in particular, the issue of a common minimum level for fines which can be imposed by an NCA.

DRAFTSPERSON: [Eva Maydell \(EPP\)](#)

[Procedure file](#)

Conditions and procedure by which the Commission may request undertakings to provide information in relation to the internal market

On 11 October, IMCO will start discussing the legislative proposal in subject, which is also called the Single Market Information Tool (SMIT), by hearing a presentation by the Commission of the proposal and of the accompanying impact assessment. Following that, Rapporteur Eva Maydell (EPP), Shadows and other Members will hold an exchange of views during which they will have an opportunity to make comments and ask questions about the proposal and the impact assessment. To remind, the proposal aims to help the Commission monitor and enforce internal market rules by enabling it to timely obtain comprehensive and reliable quantitative and qualitative information from selected market players through narrowly targeted information requests. IMCO will consider the draft report on this proposal at its meeting on 20/21 November 2017.

DRAFTSPERSON: [Eva Maydell \(EPP\)](#)

[Procedure file](#)

Single digital gateway

On 11 October, IMCO will start discussing the legislative proposal on the Single Digital Gateway. The Commission will make a presentation of the proposal and of the accompanying impact assessment, which will be followed by an exchange of views under the leadership of Rapporteur Marlene Mizzi (S&D). When created, the Single Digital Gateway will be a central, online and easily accessible entry point for people and businesses looking for complete, accurate and up-to-date information, administrative procedures and assistance services linked to their single market rights. The initiative aims to make it easier for people and businesses to manage their paperwork online in their home country or when working, living or doing business in other EU Member States. IMCO will consider the draft report on this proposal at its meeting on 20/21 November 2017.

DRAFTSPERSON: [Marlene Mizzi \(S&D\)](#)

[Procedure file](#)

Notification procedure

IMCO will consider the compromise amendments to the proposal on Notifications in Services, based on the Members' amendments tabled on 6 September. Negotiations led by the Rapporteur (Gutiérrez-Prieto, S&D) focused on the main areas of concern: the suggestions search for a balance between the reduction of administrative burden on Member States when meeting the notification obligation and the preservation of clear requirements to justify the intended restrictions on service providers, they also attempt to balance the Commission's and the Member States' powers in legislating and implementation. The vote in IMCO is foreseen on 21 November.

DRAFTSPERSON: [Sergio Gutiérrez Prieto \(S&D\)](#)

[Procedure file](#)

European strategy on Cooperative Intelligent Transport Systems

On 11 October, the IMCO Committee will consider the draft opinion by Matthijs Van Miltenburg on A European Strategy on Cooperative Intelligent Transport Systems. The draft opinion welcomes the Commission Strategy and recognises the potential in smarter use of data to make transport safer and more efficient. However, it also draws attention to some outstanding elements, such as the importance of consumers' right to privacy and protection of personal data, technical harmonisation and standardisation as well as cross-border user involvement supported by adequate funding.

DRAFTSPERSON: [Matthijs Van Miltenburg \(ALDE\)](#)

[Procedure file](#)

Towards digital trade strategy

On 12 October IMCO will vote on the adoption of Mr Dalton's draft opinion on the INI Report "Towards a Digital Trade Strategy". 40 AMs were tabled, and the rapporteur proposed 6 Compromise Amendments on the main elements of the opinion. Among them, the support for the European Commission's "Trade for All" Strategy, the need to encourage measures towards facilitating trade in digital goods and services and eliminating digital non-tariff barriers, and also promoting EU's standards and rules in International Trade agreements and organizations.

DRAFTSPERSON: [Daniel Dalton \(ECR\)](#)

[Procedure file](#)

Reform in professional services



On 11 October IMCO Members will consider the amendments, tabled to the draft report presented by Mr Danti on the implementation of Directive 2005/36/EC and the need for reforms in professional services. In total, 117 amendments have been tabled by the rapporteur and other Members, concerning the need to ensure non-discriminatory and proportionate rules on access to professions, the quality of professional services, as well as the impact of scientific progress, innovation and digitalisation in the area of regulated professions. The need to ensure transparent rules on access to or pursuit of professions, as well as public consultations have also been emphasized.

DRAFTSPERSON: [Nicola Danti \(S&D\)](#)

[Procedure file](#)

Proportionality test before adoption of new regulation of profession

On 11 October IMCO Members will consider the 281 amendments which have been tabled to the proposal on a Proportionality test for regulated professions by the Rapporteur, Mr Andreas Schwab and other Members. The main issues relate to the scope of the Directive, notably as regards healthcare professions, on the margin of appreciation for Member States when regulating professions in the absence of harmonisation as well as on the introduction of public consultations, carried out before adopting new legislation.

DRAFTSPERSON: [Andreas Schwab \(EPP\)](#)

[Procedure file](#)

LAST COMMITTEE MEETINGS

(25 & 28 SEPTEMBER 2017)

Access to third country goods and services

On 25 September, the IMCO Committee adopted its Opinion on the proposal for a Regulation on an International Public Procurement Instrument. The Rapporteur, Mr Ivan Štefanec (EPP), had proposed one compromise amendment covering the aspects of environmental, social and labour law obligations (as provided under the three public procurement Directives) which was adopted, together with a number of amendments previously adopted by IMCO (Opinion of October 2013) on provisions kept in the amended Commission proposal. The lead INTA Committee is currently planning to vote on the Report on 23 November.

DRAFTSPERSON: [Ivan Štefanec \(EPP\)](#)

[Procedure file](#)

Respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)



On 28 September IMCO MEPs adopted Ms Maydell's draft opinion on the ePrivacy regulation. 530 AMs were tabled in total in IMCO and a total of 33 Compromise Amendments were proposed by the rapporteur and negotiated by Political Groups in the different technical and shadows meetings held on the file. All the CAs tabled were adopted. The final result of the vote on the opinion was 19 votes in favour, 13 against and 5 abstentions. The vote in the lead Committee (LIBE) will take place in October.

DRAFTSPERSON: [Eva Maydell \(EPP\)](#)

[Procedure file](#)

Action Plan on Retail Financial Services

The committee voted on the Weidenholzer opinion on the Action Plan for Retail Financial Services and adopted it with strong majority. The opinion welcomes the Action Plan and its focus on many of key issues and initiatives such as cross-border transaction fees, pricing for car rentals, motor insurance and eIDAS, and those aiming to increase transparency, comparability and portability of financial products and services at EU level. The opinion also emphasises the importance of enforcement of the existing legislation and the need to address cybersecurity.

DRAFTSPERSON: [Josef Weidenholzer \(S&D\)](#)

[Procedure file](#)

Saving lives: boosting car safety

On 28 September, IMCO adopted the draft opinion by Daniel Dalton (ECR) to TRAN on saving lives: boosting car safety in the EU with 34 votes in favour, 2 against and one abstention. All five compromises that had been elaborated by the Rapporteur and Shadows were adopted. The opinion stresses that there have been significant improvements in the road safety in the EU, however too many people still die on the roads. It therefore welcomes the new safety requirements that the Commission is considering, which should be ambitious and should also stimulate innovation and create jobs. The need to increase control over the type approval bodies, and the need for adequate and speedy compensation for consumers and access to effective remedies are also stressed.

DRAFTSPERSON: [Daniel Dalton \(ECR\)](#)

[Procedure file](#)

Report on competition policy 2016



On 28 September, Christel Schaldemose presented her draft opinion on the Commission's 2016 annual report on competition policy. She emphasised the need to look for fairness in the application of competition law, and underlined the consumer protection purpose of competition policy. Some Shadows questioned the breath of the draft opinion. There was agreement on the need to focus competition policy to the benefit of SMEs, but some Shadows argued that there was insufficient focus on the digital agenda in the draft.

DRAFTSPERSON: [Christel Schaldemose \(S&D\)](#)

[Procedure file](#)

Contracts for the online and other distance sales of goods

An additional impact assessment has been commissioned by the Committee, on proposed substantial EP amendments introducing a commercial guarantee for lifespan. Researchers Sylvain Bouyon and Stefan Van Camp, from CEPS and Time.lex respectively, presented the draft final study, distinguishing between four policy options: a soft law approach and three legislative options. Among the latter, a further distinction was made between 1) the manufacturer voluntarily indicating a subjective duration for the lifespan of his products, or not; 2) the manufacturer having to indicate the actual, 'reasonable', duration for the lifespan of his products; and 3) binding technical product-specific standards for the duration of the lifespan of goods, set for instance in EU legislation such as the Eco-design Directive. During the discussion, a preference emerged for options 2 and 4, granting most legal certainty to consumers and traders alike. The study and the exchange will serve as further input for the drafting of compromise amendments. The vote on the report is scheduled for 21 November 2017.

DRAFTSPERSON: [Pascal Arimont \(EPP\)](#)

[Procedure file](#)

UPDATE ON IMCO TRILOGUES

Approval and market surveillance of motor vehicles and their trailers

After a first, introductory trilogue on 6 September, the second trilogue meeting on the new EU type-approval framework on motor vehicles, on 10 October, was the occasion for an in-depth debate

on all the outstanding political issues, including the governance of the type-approval system, market surveillance, the evaluation of type-approval authorities and technical services, penalties and administrative fines. The Rapporteur, Mr Daniel Dalton, will report to the Committee on the developments of the negotiations.

[LINK: Procedure file](#)

IMCO DELEGATION TO WASHINGTON D.C.

A delegation from the Internal Market and Consumer Protection Committee visited Washington DC from 19 to 21 September 2017. The aim of this visit was to enhance the dialogue with the US Administration and stakeholders on regulatory issues in areas such as EU-US regulatory cooperation in the field of digital issues and e-commerce, market access, cybersecurity, standards, consumer protection and public procurement. The Delegation met with members of the US Senate, the US Department of Commerce, as well as with consumer organisations, think tanks, start-ups and the business community, amongst others. The visit gave the delegation an opportunity to exchange best practices on the different regulatory approaches tackling issues related to digital services and innovation, to promote the EU achievements in the area of consumer protection and to strengthen transatlantic cooperation. Led by the Chair Anneleen Van Bossuyt, the delegation was composed of Andreas Schwab (EPP), Róza Thun und Hohenstein



(EPP), António López-Istúriz White (EPP), Marlene Mizzi (S&D), Christel Schaldemose (S&D) and Mylène Troszczynski (ENF).

LEGISLATIVE SCRUTINY

SOLVIT



During the scrutiny session on 25 September, Ms. Laurence de Richemont, Head of Unit Single Market Service Centre, DG GROW, presented the SOLVIT Action Plan which was published on 2 May 2017 as part of the Compliance Package, together with legislative proposals on a Single Digital Gateway and on a Single Market Information Tool (SMIT). The Commission representative stressed that making the planned measures a reality will only be possible

through joint commitment and ownership between the Commission and the Member States, at all levels of administration. Importantly, adequate staffing and recognition of SOLVIT centres within the national administrations is a prerequisite for strengthening SOLVIT, she added.

Members were in agreement that SOLVIT as a tool is good and positively contributes to the functioning of the Single Market. However, they felt that there is a low awareness of SOLVIT and that it needs to be decentralised and brought closer to people and companies, especially in border regions. The Commission representative took note of the point that there is a need to raise awareness, and explained that SOLVIT is monitored through the annual Single Market Scoreboard, while the bi-annual SOLVIT workshops will be used to increase ownership by Member States.

[LINK: SOLVIT Action Plan](#)

ABOUT THE EDITOR:

European Parliament
Directorate General for Internal Policies of the Union
Internal Market and Consumer Protection Committee
Head of Unit / Editor: Panos Konstantopoulos
Responsible administrator: Atanaska Koleva
Layout: Julia Pourceau

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