

Newsletter

Issue 91 - April 2018

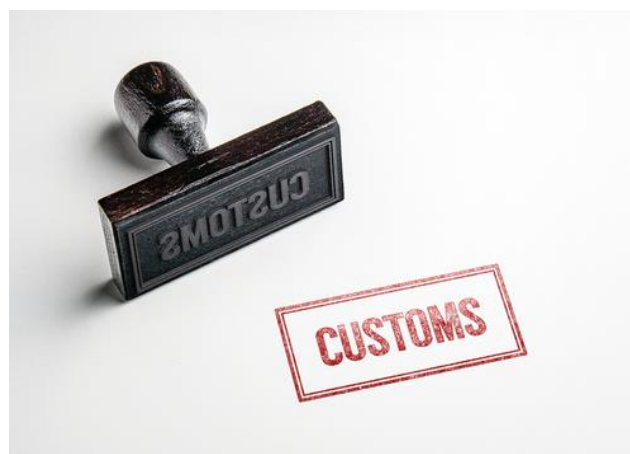
SELECTED NEWS

Exchange of views with Věra Jourová, Commissioner responsible for Justice, Consumers and Gender Equality



On Monday 23 April, the IMCO Committee is to hold its structured dialogue with Věra Jourová, Commissioner responsible for Justice, Consumers, and Gender Equality. The Commissioner is expected to present her view on the latest developments on the two digital contracts proposals (digital content and goods). Furthermore, she will present the New Deal for Consumers, which contains two legislative proposals: one horizontal proposal amending four existing acts in the field of consumer and marketing law with the aim of modernising and better enforcing the rules, and one proposal on representative actions for the protection of the collective interests of consumers, repealing the Injunctions Directive.

Exchange of views with Pierre Moscovici, Commissioner Responsible for Economic and Financial Affairs, Taxation and Customs



In the framework of the structured dialogue process, Commissioner Moscovici will appear before IMCO to take stock of the level of implementation of the Commission's work program and of the legislative initiatives that his department will finalise for approval by the College before the end of the current legislative term of the Parliament. An exchange on recent events will also take place, such as the proposal of the Commission to extend by five years the current exception to the general use of electronic systems for all the customs related transactions –that was scheduled to end by December 2020- or the progress in the legislative work towards the adoption in ordinary procedure of a new regulation on the import of cultural goods will also be part of the discussion.

EXCHANGE OF VIEWS ON ANALYSING BIG DATA WITH SELF-LEARNING ARTIFICIAL INTELLIGENCE

On 24 April, the IMCO Committee will hold an exchange of views on analysing big data with self-learning artificial intelligence, with the participation of Ambassador Frøysnes and a delegation of Norwegian scientists and lawyers. Ambassador Frøysnes is a former head of the Council of Europe Office in Brussels and Special Representative to the Secretary General of the Council of Europe.

He will present the LAWLEX/LAWTECH project, which aims to develop a legal AI-based system/platform. The Commission is expected to present a communication on artificial intelligence before the end of April, to which Parliament will respond with an own-initiative report.

NEXT COMMITTEE MEETINGS

(23-24 APRIL 2018)

[Watch the committee meeting live](#)

Import of cultural goods

A joint session of the INTA and IMCO committees will consider the draft report of the proposal on a regulation on the import of cultural goods. The two committees have the joint responsibility to produce a common draft report. The discussions leading up to the current draft report have helped determine the different views and approaches of both co-rapporteurs, as well as the common ground. The draft report takes stock of the common ground.

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

[Procedure file](#)

Pan-European Personal Pension Product (PEPP)

The rapporteur welcomes the Commission proposal. To make the concept of a portable pan-European pension product succeed, she considers it key that the PEPP pension product must be voluntary, simple, safe, transparent, consumer-friendly and reasonably-priced, and proposes a number of amendments and clarifications, aiming at ensuring high level of consumer protection, among which on information obligations. With regard to portability, she proposes an extension of deadline for setting up the compartments and compartment partnerships. For the standard option, the rapporteur proposes a decision tree to ensure that consumers can make a decision on a well-informed basis. The rapporteur also makes amendment to clarify that the investment option shall be designed in a manner ensuring that the capital accumulated by the start of the pay-out phase will at least equal the contributions paid, including all costs and charges.

DRAFTSPERSON: [Birgit Collin-Langen \(EPP\)](#)

[Procedure file](#)

Deployment of infrastructure for alternative fuels in the European Union: Time to act!

On 24th April, the IMCO Committee will consider the draft opinion by Matthijs Van Miltenburg on Commission's Action Plan on alternative fuel infrastructure. The draft opinion focuses on aspects of interoperability of payment services, transparent consumer information, cross-border continuity and collaboration between public and private actors. The Rapporteur stresses the importance of transparent information to consumers, especially with regard to price comparison. He also urges the Commission and the Member States to step up financial support for the deployment of alternative fuels infrastructure and calls on the Member States to acknowledge the positive effects of fiscal incentives.

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

[Procedure file](#)

Switzerland: Obstacles with regard to the full implementation of the internal market

As a follow-up to the EP report on EEA-Switzerland: Obstacles with regard to the full implementation of the internal market (2015/2061 (INI), the Committee will be considering a draft motion for a resolution on Switzerland: Obstacles with regard to the full implementation of the internal market to be sent as a committee resolution. Notably, the draft resolution recalls on the Commission that a precondition for further developing the sectoral approach remains the negotiations the establishment of a common institutional framework for existing and future agreements through which Switzerland participates in the EU' internal market; and it stresses the need to finalise negotiations on the institutional framework agreement in the first half of 2018. The vote on the draft resolution is scheduled on 24 April.

LINK: [Procedure File](#)

Proportionality test before adoption of new regulation of professions

On 24 April, IMCO will vote on the political agreement, reached between the EP and the Council on the Proportionality test (Rapporteur: Andreas Schwab). This is the first concrete outcome of the Services Package, presented by the Commission in January 2017. The text agreed ensures that national rules on access to professions should not create barriers to the right of citizens to choose an occupation, conduct a business or provide services across the EU in all sectors of activities, such as healthcare, legal services and accountancy. It also ensures transparency and public consultations of all interested parties before adopting new regulation of professions.

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

[Procedure file](#)

Free flow of non-personal data

On 24 April, IMCO will debate the 190 amendments tabled to the Commission's proposal on the 'Free flow of non-personal data'. The overarching aim of the Commission's draft Regulation is to unlock the massive potential of the EU data market by creating a more competitive and integrated internal market for data storage and processing services. The core of the proposal, a ban on national rules requiring data to be stored or processed in a specific Member State, is not questioned by the amendments. A number of amendments seek to clarify further the relationship of this Regulation with the General Data Protection Regulation, and a number adjust the provision on codes of conduct.

DRAFTSPERSON: [Anna Maria Corazza Bidit \(EPP\)](#)

LINK: [Procedure file](#)

Budget: Pilot Projects and Preparatory Actions

As part of the budgetary procedure, MEPs have an opportunity to make proposals for Pilot Projects -testing actions that may orientate the creation of a future action program- and for Preparatory actions. This is an intermediate phase between pilot projects and fully-fledged programs. The feasibility of these Projects and Actions is tested by the Commission before they are tabled as budgetary amendments. IMCO will decide on 23 April on which projects and actions will receive the endorsement of the committee ahead of the pre-assessment by the EC.

LINK: [Procedure file](#)

The public procurement strategy package

Members tabled a total of 143 Amendments on the draft report Mr Coelho, on the public procurement strategy package and will hold a first exchange on these amendments during the April IMCO meeting. Members criticised in particular the delay in the transposition of the 2014 Directives by the Member States and the slow digitalisation of procurement, as well as the existing difficulties for SMEs to participate in tenders. Many amendments confirm the Rapporteur's position that awarding of tenders should move from the lowest price criterion to more qualitative criteria.



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LINK: [Subject file](#)

LAST COMMITTEE MEETINGS

(21-22 MARCH 2018)

Regulation on ENISA

On 21 March, IMCO considered the 393 amendments tabled in IMCO to the draft opinion by Rapporteur Nicola Danti (S&D) to ITRE Committee on "The Cybersecurity Act". In his draft opinion, Mr Danti supported the introduction of a new EU-wide cybersecurity certification framework, but called for better stakeholder involvement, more awareness raising and protection of end-users. The amendments touched upon the same ideas, but also the notion of self-declaration of conformity, the interplay of national and European schemes, and ways to clarify the schemes' assurance levels.

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

[Procedure file](#)

Goods Package - public hearing



On 21 March IMCO held a public hearing on the "Goods Package". The hearing was organised in 5 panel discussions with invited experts. The first panel exchanged views on experiences of Member States with the current goods framework. The second panel provided insight into the practical challenges with products entering EU from third countries. The third panel presented current SOLVIT mechanism and its daily challenges. The fourth and fifth panels focused on the business experience and the possible impact of the Package on consumers.

LINK: [Hearing](#)

Common Chargers



On 21 March, IMCO adopted a written question for oral answer, under Rule 128 of Parliament's Rules of Procedure, on the issue of the 'common charger'. The question is addressed to the Commission and asks when the Commission will use its legislative powers to develop a common charger for particular categories or classes of

radio equipment, as provided for in the Radio Equipment Directive. In the IMCO debate the Commission responded to the question, defending its non-legislative approach but acknowledging that it was now clear that that approach had not yielded the hoped for results. The question will be tabled in one of the next plenary part-sessions for oral answer by the Commission.

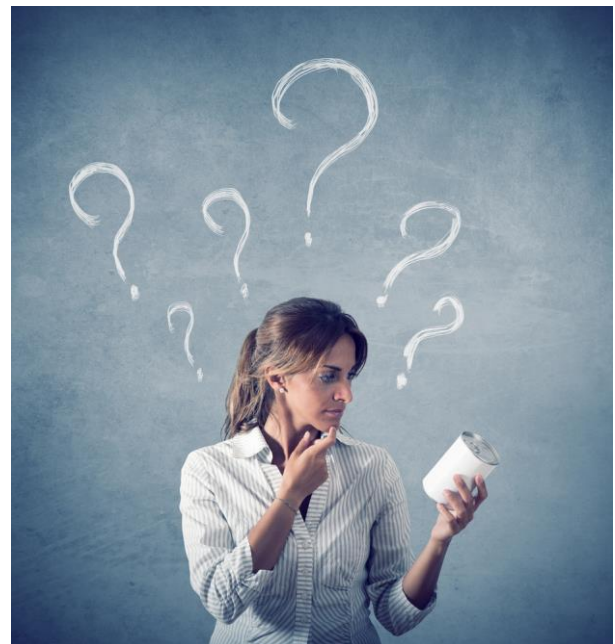
Rail passenger rights

During the IMCO committee meeting in March, the IMCO Rapporteur on the proposal to revise Regulation (EC) 1371/2007 on rail passengers' rights and obligations, Mr de Jong (GUE/NGL), presented his draft Opinion. The Rapporteur amendments aim, amongst others, at improving the information obligations of the rail undertakings and creating more legal certainty for rail passengers. Like the Rapporteur, all Shadow Members from different political groups who took the floor rejected the 'force-majeure' clause, as proposed by the Commission.

DRAFTSPERSON: [Dennis De Jong \(GUE/NGL\)](#)

[Procedure file](#)

Dual quality of products in the Single Market



On 22 March, IMCO considered Olga Sehnalova (S&D)'s draft report on Dual quality of products in the single market. The Rapporteur has called for legal adjustments and better information to consumers to tackle the issue of dual quality of products. Members were welcoming of the draft. In the exchange of views, they showed support for initiatives on awareness raising, cross border coordination and to call on consumer organisations to engage more. It was also suggested to look into business behaviour on the single market.

DRAFTSPERSON: [Olga Sehnalová \(S&D\)](#)

[Procedure file](#)

Exchange of views with Vice President Jyrki Katainen, responsible for Jobs, Growth, Investment and Competitiveness

In his introductory remarks, VP Katainen recalled the main COM achievements, including goods package, progress on DSM, services package, and public procurement package, and noted two megatrends that will have strong influence on the Single Market: (i) circular economy, and (ii) artificial intelligence. With regard to the circular economy, he underlined that the EU is a 'frontrunner' given its ambitious plastic strategy; as to the AI megatrend, he underscored the challenges it poses for services. Ensuing Q&A session focussed on services package, plastic strategy, goods package, COM next steps in collaborative economy and the EFSF.

UPDATE ON IMCO TRILOGUES

Single Digital Gateway



The first informal trilogue meeting on the Proposal for a regulation of the European Parliament and of the Council on establishing a single digital gateway took place on 20 March. The objective of this exploratory meeting was 1) to have a first exchange of views and agree on an overall timetable and structure of the negotiations for further meetings; 2) to agree on a division of the political and technical issues 3) to mandate the staff of the three institutions to negotiate and 4) to approve the four-column document as a basis for the negotiations. Four technical meetings have taken place already in the inter-institutional negotiations. The next trilogue is scheduled for 23 April. Among the topics that will be discussed are the Name, logo and quality label of the gateway (Article 2(1), Article 15(1), Article 19); All provisions on delegation of powers in the Articles such as (Article 2.(3a) and Article 34, 21(3), 14 (2d)) ; the use of languages and costs (Articles 7(2), 8(3), 9(2), 9a, 11 (1a), 28); online cross-border access to procedures (Article 11) and the tasks of the gateway coordination group (Article 26). The intention of both co-legislators is to seek an overall conclusion of the file under the Bulgarian Presidency.

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

[Procedure file](#)

Fertilising products

The second informal trilogue on the Fertilising Products Regulation was held on 11 April in the Council. The institutions held a preliminary exchange of views on cadmium limits, and discussed the issue of industry by-products. In relation to the latter, discussion centred on the question of the conformity assessment procedure to be used for industry by-products, and the criteria with which such by-products must apply. Under the Council's proposal, those criteria are to be set by the Commission by means of delegated acts. It was agreed that further discussion of industry by-products should take place at technical level.

DRAFTSPERSON: [Mihai Turcanu \(EPP\)](#)

[Procedure file](#)

Accessibility Act

After the first exploratory trilogue on 5 March 2018, the second round of negotiations on 12 April allowed the three institutions to tackle certain issues of the proposed Directive in more depth, namely: standards and common technical specifications (Articles 13 and 14); fundamental alteration and disproportionate burden (Article 12 and Council's Annex IV); the structure and overall approach of Annex I as well as the Council's suggested new Annex Ia. The positions of the co-legislators on all three points were found to be converging and further work was delegated to technical level to finalise the corresponding text. The 3rd trilogue is scheduled for 15 May 2018.

LINK: [Subject file](#)

IMCO MISSION TO ITALY

A mission of the IMCO Committee to Florence and Livorno, Italy, took place from 4 to 6 April. Members held meetings with local and multinational businesses, local and national authorities, and experts on issues related to the Committee's on-going work on the goods package and the collaborative economy. They held further meetings

on customs controls and the fight against counterfeiting, and participated in field visits to a local business plant and the port of Livorno. Finally, Members took part in a roundtable on the future of the single market, held at the European University Institute in Florence.

NEW DEAL FOR CONSUMERS

On 11 April, the European Commission announced its New Deal for Consumers. The package, which contains two legislative proposals, aims at increasing transparency for consumers in online market places, including on search results, extending consumer rights to digital services obtained in return for the provision of personal data and removing burdens for businesses. Consumer authorities will

have more effective and dissuasive penalties at their disposal for widespread cross-border infringements, while consumers will be given better tools to enforce their rights and get compensation. Finally, the Commission proposes an update of the Unfair Commercial Practices Directive to allow explicitly for tackling

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