

## Newsletter

Issue 92 - May 2018

### SELECTED NEWS

**Exchange of views with Vice-President Andrus Ansip, responsible for Digital Single Market**



As part of the Structured Dialogue with the European Commission, on 17 May IMCO will hold an exchange of views with Vice-President Andrus Ansip. Among the key topics that the VP will discuss with IMCO MEPs are the new proposals presented by the Commission on 25 and 26 of April, including the legislative proposal on Platforms (P2B), the communications on Fake News and Artificial Intelligence, and the new 'data package'. A discussion on the state of play and implementation of other key Digital Single Market proposals will also take place.

**Promoting fairness and transparency for users of online intermediation services**



As part of the Digital Single Market Strategy, the Commission proposed on 26 April 2018 a Regulation on fairness and transparency together with the creation of an EU Observatory of the online platform economy. The proposal is underpinned by an Impact Assessment that incorporates evidence and stakeholders' views collected during a two-year fact-finding exercise. On 17 May 2018 IMCO will hold an exchange of views on this key proposal where the representatives of the European Commission are expected to explain the rationale behind it, while MEPs will have the opportunity to express their initial views and ask questions on the matter.

### CONSUMER LAW READY ONLINE PLATFORM



Via the new Consumer Law Ready website [www.consumerlawready.eu](http://www.consumerlawready.eu), European SMEs now have access to a comprehensive range of online resources to help comply with EU and national consumer law.

This will help them improve their customer service and increase consumer trust, reducing the likelihood of consumer complaints and the risk of costly litigation. The website and online training materials are tailored for each country and available in all EU languages. Further support is provided by local Consumer Law Ready trainers.

*Consumer Law Ready is an EU project, initiated by the European Parliament and funded and managed by the European Commission's DG JUST. It is implemented by BEUC, in partnership with EUROCHAMBRES and UEAPME.*

# NEXT COMMITTEE MEETINGS

(16-17 MAY 2018)

[Watch the committee meeting live](#)

## Mutual Recognition of Goods

On 16 May, IMCO will consider the draft report presented by the Rapporteur Ivan Štefanec (EPP) on the Proposal for a Regulation on the Mutual Recognition of Goods. The Rapporteur supports the further strengthening of cross-border cooperation and communication between Member States. He proposes to reinforce the Product Contact Points as the main communication channel for mutual recognition, and to establish a Coordination Group to ensure the European value of the mutual recognition principle. Further, the Rapporteur suggests more guidance to Member States, and further strengthening of the new problem solving mechanism by obligating the Commission to issue opinions.

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

[Procedure file](#)

## Rules and procedures for compliance with and enforcement of Union harmonisation legislation on products

On 16 May, IMCO will consider the draft report presented by the Rapporteur Nicola Danti on the Proposal on rules and procedures for compliance with and enforcement of Union harmonisation legislation on products. The Rapporteur's main goal is to clarify and strengthen the main provisions of the Proposal, introducing a more harmonised European approach on market surveillance, ensuring a higher level of cooperation among authorities, and guaranteeing that the same rules are applied in the same manner within the EU. The Rapporteur also proposes new provisions for market surveillance of products sold online, introduces an effective peer evaluation of market surveillance authorities, strengthens the role of Union Product Compliance Network, introduces a new idea of an online "conformity database" and extends the obligations of a person responsible for compliance.

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

[Procedure file](#)

## Rail passenger rights



Members will hold on Wednesday 15 May an exchange on the 345 Amendments tabled on the Commission proposal on rail passengers' rights and obligations. The amendments aim, among others, to delete the 'force majeure' clause, in support of the Rapporteur's position; delete or modify the opt-outs for Member States from the scope of the Directive; adapt definitions; improve the rights for rail passengers concerning information; amend the reporting requirements of the railway undertakings on service quality. The vote is planned for 4 of June. The opinion of IMCO will be considered by the TRAN committee which is the lead responsible committee on this file.

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

[Procedure file](#)

## The public procurement strategy package

IMCO Members have tabled a total of 143 amendments on the draft Report of Mr Coelho on the public procurement strategy. While there are no strong controversies amongst the different political groups, the Rapporteur has made an attempt to be inclusive by proposing a set of 18 compromise amendments, aiming at a text for the report that includes clear messages on all important aspects, including on the need for full transposition and better implementation, the importance of quality criteria, the need to support SMEs and professionalization actions.

**LINK:** [Subject file](#)

## General budget of the European Union for the financial year 2019

The rapporteur general for the budget of 2019 in BUDG committee MEP Daniele Viotti (S&D) will address IMCO to explain the circumstances at play in the budget procedure of next year. The budget of 2019 will be impacted by a number of issues, some of which are the modification in the structure of the contributions to the budget following to the exit of the United Kingdom or the preparation for the closure of the programs under the current multiannual financial framework.

## Measures to effectively tackle illegal content online

The Committee will exchange views with the Commission on the Commission Recommendation on measures to effectively tackle illegal content online. The Recommendation follows-up on Commission Communication on this matter from Autumn 2017. The recommendation proposes a common approach to swiftly and proactively detect, remove and prevent the reappearance of illegal content online.

## Free flow of non-personal data

On 17 May, IMCO will debate the compromise amendments, discussed among political groups, on the Commission's proposed 'Free flow of non-personal data' Regulation. 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 compromise amendments cover most of the substantive Articles and related recitals. They confirm the ban on national rules requiring data to be stored or processed in a specific Member State, clarify further the relationship of this Regulation with the General Data Protection Regulation, and also clarify rules on codes of conduct.

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

**LINK:** [Procedure file](#)

## Regulation on ENISA

On 17 May, IMCO will vote on the adoption of the draft opinion by Rapporteur Nicola Danti (S&D) to ITRE Committee on "The Cybersecurity Act". A total of 393 amendments were tabled in IMCO and the Rapporteur has proposed 25 compromises. The compromises focus among others on the involvement of stakeholders, more transparency for common cybersecurity actions, the use of self-declaration of conformity, information to and protection of end-users. The compromises also add more elements to the future certification schemes to ensure that new schemes will consider existing standards and security-by-design principles.

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

[Procedure file](#)

# LAST COMMITTEE MEETINGS

## (23-24 APRIL 2018)

### Import of cultural goods

The joint committee IMCO-INTA considered the draft report prepared by the co-rapporteurs Ms Mosca (INTA) and Mr Dalton (IMCO). Diverging views on the issues at stake prevented the co-rapporteurs from reaching an agreement on the direction that the draft report should take, therefore the report reflects the basis for an agreement that was found and both co-rapporteurs intend to use the period for amendments in order to introduce further modifications in the text. These discussions will focus on striking the right balance between curbing illicit trafficking of cultural objects (that may finance terrorist and other illegal activities) and facilitating the legitimate trade within that industry. The co-rapporteurs trust that the period for compromise amendments will help them achieve that balance.

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

[Procedure file](#)

### Pan-European Personal Pension Product (PEPP)

At its meeting of 24 April, the Committee exchanged views on the rapporteurs draft opinion. The rapporteur welcomed the proposal. In order to make the concept of a portable pan-European pension product succeed, she considered of key importance that the PEPP pension product must be voluntary, simple, safe, transparent, consumer-friendly and reasonably-priced, and proposed a number of amendments and clarifications, aiming at ensuring high level of consumer protection, among which on information obligations. With regard to portability, she proposed an extension of deadline for setting up the compartments and compartment partnerships. For the standard option, the rapporteur proposed a decision tree to ensure that consumers can make a decision on a well-informed basis. The rapporteur also made 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!

The Rapporteur, Matthijs van Miltenburg, presented his draft report, highlighting some of the most important elements. He stressed the importance of the deployment of infrastructure for alternative fuels and emphasized the need to make it attractive and affordable to consumers, which could be achieved by providing clear and reliable information, especially with regard to price comparison, ensuring interoperability of payment services within EU, strengthening cooperation between Member States and the Commission, and foreseeing effective fiscal incentives. Shadovs generally welcomed the draft opinion and highlighted the need to ensure Union's energy security, emphasized the importance of technological neutrality and smart development, the need for investments and better cooperation between manufacturers, institutions and consumers.

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

[Procedure file](#)

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

On 24 April, the IMCO Committee adopted the motion for resolution on Switzerland: Obstacles with regard to the full implementation of the internal market. This resolution reminds the Commission that the establishment of a common institutional framework for existing and future agreements through which Switzerland participates in the EU's Single Market is a precondition for further developing the sectoral approach. The resolution stresses the need to finalise negotiations on the institutional framework agreement in the first half of 2018. Political groups have requested to put the motion for resolution on the agenda of May II Plenary for a vote with debate.

**LINK:** [Procedure File](#)

### Budget: Pilot Projects and Preparatory Actions

IMCO endorsed all the proposals that were presented by its Members. These were seven proposals, five were new projects and the remaining two concerned projects that had already been funded by the budget of the previous years and intended its continuation as pilot projects or its development into preparatory actions with a view to becoming fully-fledged programs sustained by the general budget of the union. The next step will be a decision by the committee on Budget on whether to request a preassessment by the European Commission on the merits of the project.

**LINK:** [Procedure file](#)

### Proportionality test before adoption of new regulation of professions

On 24 April IMCO endorsed by a large majority the political agreement, resulting from the interinstitutional negotiations on the Proportionality test (Rapporteur: Andreas Schwab). The text agreed ensures transparency of the national regulatory process through public consultations and guarantees the right of EU citizens to choose an occupation, conduct a business or provide professional services across the EU in all sectors of activities, such as healthcare, legal services or accountancy. Member States should guarantee that a proportionality test, based on common criteria, is carried out before the adoption of new regulation of professions.

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

[Procedure file](#)

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

On 24 April Commissioner Věra Jourová presented the New Deal for Consumers, adopted by the Commission on 11 April 2018, which includes a 'Horizontal' proposal for a directive amending four existing Directives as regards better enforcement and modernisation of EU consumer protection rules; a proposal for a directive on representative actions for the protection of the collective interests of consumers, repealing the 2009 Injunctions Directive; and New Guidance for Member States on the application of EU food and consumer protection law to dual quality products.

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

Commissioner Moscovici was heard by IMCO in the framework of the structural dialogue and he detailed the three priorities of his department for the remainder of his mandate: the first one is improving customs controls and the fight against fraud; the second one is to achieve the digitalisation of customs activities, but not earlier than in 2025 the third priority is the improvement of the legislative framework of customs, with the necessary adaptations to the Union Customs Code and its Delegated Act. He expressed his trust that the post-Brexit United Kingdom would remain a reliable partner on taxation matters and defended his views on the necessity of taxation of digital activities of companies.

### The exchange of views on analysing big data with self-learning AI

On 24 April, the Committee held 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. The delegation gave a presentation of issues related to artificial intelligence (AI). A number of issues were raised in the discussion, ranging from standardisation and the competitiveness of the European AI industry to the fight against fake news, the ethical concerns raised by AI and ways in which AI can be promoted in a positive light.

# UPDATE ON IMCO TRILOGUES

## European Accessibility Act



The EP Rapporteur Mr Løkkegaard will report on the third political trilogue on the European Accessibility Act, to take place in the morning of 15 May 2018. According to the draft agenda, the negotiations will continue on standards and technical specifications, on the exceptions in case of fundamental alterations of the products or services or of disproportionate burden, and on the structure and overall approach of Annex I. In addition, the draft agenda foresees in depth discussion on a number of issues concerning the scope (including on transport; tourism; emergency calling services; self-service terminals; operating systems) and on a national database and on the register for non-accessible and non-compliant products respectively.

DRAFTSPERSON: [Morten Løkkegaard \(ALDE\)](#)

[Procedure file](#)

## Contracts for the supply of digital content

During the fifth Trilogue on digital content, held on 26 April, negotiations were concluded on the so-called 'data cluster' (including the exemption for free software developers from the scope of the Directive and from the right of redress), on the obligation to provide for updates, on termination of long-term contracts and on transposition deadlines. Further exchanges were held on the right to damages, on the need for a coherent approach on number-independent interpersonal communication services in both the Digital Content Directive and the European Electronic Communications Code, and on possible solutions for embedded digital content/digital services. A sixth trilogue is scheduled for 18 June 2018.

LINK: [Subject file](#)

## Notifications in services

On 16 May the Rapporteur, Gutierrez Prieto, is to report back on the second trilogue on the Notifications procedure, held on 26 April 2018. The proposal is part of the Services package and aims at facilitating free movement and ensuring more transparency for service providers throughout the EU on the national rules which need to be applied. The second trilogue focussed on the clarifying the rules on proportionality assessment and on the legal consequences for non-compliance with the notifications obligation (the so-called "procedural defect" in case of non-notification). Other issues discussed included the standstill period and the scope of the notification obligation. The third trilogue is scheduled for 6th June.

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

[Procedure file](#)

## “SHAPING OUR DIGITAL FUTURE: THE CHALLENGE OF THE DIGITAL REVOLUTION”

On Wednesday 25 April the High Level Conference “Shaping our digital future: the challenge of the digital revolution” took place in the European Parliament. Organised by joint initiative of the President of the Parliament Mr Antonio Tajani and the Commissioner responsible for Digital Economy and Society Ms Mariya Gabriel, the conference focused on one of the most important challenges to be addressed by the EU Institutions: to complete the EU's Digital Single Market and to make the most out of the opportunities brought by the Digital Revolution. IMCO Committee (Vice-Chair Anna Maria Corazza-Bildt) chaired 2 out of

4 panels on which the conference was divided: Panel 3 on Opportunities and Risks, including Trust, Security and Privacy, in a Digital Society and Panel 4 on 'How to ensure an Online Platform Economy that benefits businesses and consumers, supported by fair taxation'. Other IMCO MEPs that participated as speakers were Ms Evelyne Gebhardt, Mr Nicola Danti and Ms Dita Charanzova. The other 2 panels were chaired by ITRE Committee: Panel 1 on Investing to Unlock Digitalisation, Boost Competitiveness and Avoiding a Digital Divide and Panel 2 on Innovation, research and the use of data in the Digital Age.

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