

## Newsletter

Issue 87 - December 2017

### SELECTED NEWS

#### Services package



On 4 December IMCO is taking decisions on an important part of the Services Package with its votes on the Directive on the enforcement of the Directive 2006/123/EC on services in the internal market,

laying down a notification procedure for authorisation schemes and requirements related to services, on the Proportionality Test Directive and on the Report on the need for reforms in professional services. The report on Notifications in Services will be decided on the basis of 16 compromise amendments and 243 amendments tabled by the Rapporteur and IMCO Members. Those amendments largely focus on clarification of the notification obligation, consultation process on the notified measures, and on balancing of the Commission's powers with regard to Member States. The Report on the need for reforms in professional services focusses on recommendations to ensure transparent, non-discriminatory and proportionate regulation of professions, while ensuring high quality of the service provided. The Report on the Proportionality test directive strikes the balance between the freedom of movement of EU professionals and consumer choice on the one hand, and on the other, the need to regulate professions in a non-discriminatory and proportionate way.

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

[Procedure file](#)

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

[Procedure file](#)

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

[Procedure file](#)

### Christmas wishes from IMCO



The IMCO Secretariat  
wishes you happy holidays  
and a prosperous New Year!

# NEXT COMMITTEE MEETINGS

(4 DECEMBER 2017; 22-23 JANUARY 2018)

[Watch the committee meeting live](#)

## Establishing the European Defence Industrial Development Programme



The IMCO Committee will consider the amendments tabled on the Commission proposal to establish a European Defence Industrial Development Programme. Members tabled about 230 amendments touching, amongst others, upon: the objectives of the programme; the minimum required participation in terms of participants and Member States involved in the project so that this is eligible; the aspect of third non-EU countries; the budget; the support to SMEs; the application of the defence procurement Directive. The vote in IMCO is scheduled for 23 January 2017 and its final Opinion will be considered by the lead committee on this file which is the ITRE Committee.

**DRAFTSPERSON:** [Anneleen Van Bossuyt \(ECR\)](#) [Procedure file](#)

## Single digital gateway

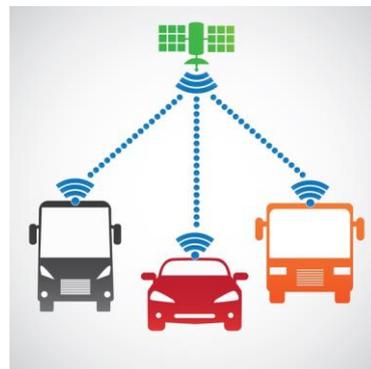


On 22 January, IMCO will consider amendments tabled to the draft report by Marlene Mizzi (S&D) on the Single Digital Gateway. The deadline for amendments was on 28 November 2017 and Shadows and other Members tabled over 250 amendments. Apart from a rejection amendment tabled by one of the small groups, other amendments generally support and further develop the proposals put forward by the Rapporteur in her draft report. This goes, in particular, for a number of amendments to further strengthen the data protection requirements. Issues addressed include the 'once-only' principle, the number of languages required for information and procedures, the deadline for entry into force of the Regulation etc. Following the consideration of amendments in committee, the Rapporteur and Shadows will try to elaborate compromise amendments so that the vote in IMCO can take place on 22 February 2018.

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

## European strategy on Cooperative Intelligent Transport Systems

On 4 December, IMCO will vote on the adoption of Mr Matthijs Van Miltenburg's (ALDE) draft opinion to TRAN Committee on A European Strategy on Cooperative Intelligent Transport Systems. 39 amendments were tabled in IMCO, and the Rapporteur has proposed 7 compromises. Among others, the compromises touch upon elements of consumers'



right to protection of personal data, cybersecurity and the need to develop a common policy on the security of C-ITS communications, technology neutrality, interoperability as well as setting a global approach to standardisation and technical harmonisation.

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

## Services e-card

At its meeting on 22-23 January, the IMCO Committee will consider amendments tabled to the Commission proposal for the Regulation on European Services e-card and related administrative facilities (Rapp. A Van Bossuyt) and the proposal for a Directive on Legal and operational framework of the European services e-card introduced by the ESC Regulation (Rapp. M. Lokkegaard). In their draft proposals the Rapporteurs focus on removing administrative obstacles in order to improve the functioning of the SM, and on clarifying many areas and addressing a number of concerns. They define more precisely the voluntary nature of the Services e-card,



clarify responsibilities and powers of the home and host Member States (duty to check the validity of information by home MS, the right to carry out all controls and verifications under the Services Directive and the right to request a re-verification of information by the host MS). The Rapporteurs are of the view that the Services e-card will help the fight against letterbox companies, fraudulent activities and bogus self-employment.

**DRAFTSPERSON:** [Anneleen Van Bossuyt \(ECR\)](#) [Procedure file](#)

**DRAFTSPERSON:** [Morten Løkkegaard \(ALDE\)](#) [Procedure file](#)

# LAST COMMITTEE MEETINGS

(20-21 NOVEMBER 2017)

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

The Committee adopted Eva Maydell's opinion on the ECN+ proposal with 34 votes in favour, none against, and one abstention. Both compromise amendments, covering the issue of the common minimum level for fines which can be imposed by a national competition authority, were adopted. The operative amendment proposed by the Verts/ALE on the cooling-off period (AM 45) was rejected, while their amendment to recital 15 on the same issue (AM 30) was adopted. The amendment of the S&D on whistleblowing (AM 40) also was rejected.

**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 21 November, IMCO considered the draft report by Eva Maydell (EPP) on the Single Market Information Tool (SMIT). Following the presentation of the draft report, most Shadows were rather critical about the proposed tool, with some of them even suggesting that the proposal should be rejected. The reservations raised included concerns that the tool might impose huge costs and a very heavy burden for SMEs. It was stressed that the Commission should use SMIT only as a last resort and that it should be used to seek information already available only and should in no way be misused by the Commission, e.g. by disclosing confidential information of undertakings. The deadline for amendments in IMCO is on 5 December 2017.

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

[Procedure file](#)

## Report on competition policy 2016

The Committee adopted Christel Schaldemose's opinion on the Commission's 2016 annual report on competition policy with 33 votes in favour, one against, and no abstentions. All ten compromise amendments were adopted, including the language on "sufficient share of tax payments" contained in compromise amendment 2. The compromise amendments introduced new text on certain issues, such as the e-commerce sector enquiry, merger policy, procurement and price parity clauses, thus broadening the scope of the final opinion in comparison to the draft opinion, thereby meeting a concern which had been raised by certain groups in earlier discussions on the file.

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

[Procedure file](#)

## Contracts for the supply of digital content



The report was adopted with 55 votes in favour, four against and two abstentions by IMCO/JURI joint Committee under Rule 55. A total of 988 AMs were tabled, and each of the 86 compromise amendments, supported by a vast majority of political groups, was adopted. Among them are a targeted full harmonisation with exceptions allowing Member States to maintain, after the entry into force of the Directive, the existing duration of their legal guarantees for embedded digital content and digital services, and national rules on both remedies for hidden defects and short-term right to reject. A legal guarantee period of two years (minimum harmonisation) and a reversal of burden of proof of two years for pure digital content and one year for embedded digital content were introduced.

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

## Exchange of views with the Commissioner Moscovici



Commissioner Moscovici addressed IMCO on 21 November and gave details on the most recent developments in the area of customs and the internal market. He detailed his vision of the Customs Union as a capital element that defends and protects the

internal market without hindering international trade. Customs do not only protect the single market and the citizens from dangerous goods but also from more indeterminate threats, such as international terrorism, as illustrated by the recent proposal on importation of cultural goods. Rules concerning customs need to be adapted regularly in order to keep up with the changing reality of international trade (especially to combat the ever more developed fraud strategies). The commissioner announced a future report on the implementation of the customs code, as well as on the use of delegated acts. He explained that although an estimated 80% of the 17 different IT systems that allow for a digital processing at the customs administration will be ready by 2020, it is necessary to provide the Member States with a supplementary time for the completion of the rest, that he estimates in 5 years. E-commerce and the taxing of online sales were evoked. In the ensuing debate, Members deemed the extension of five years as too lenient on Member States, underlined the importance of the customs policy, commented of the threshold for taxation of e-commerce purchases and the need to avoid distortions against EU business.

## UPDATE ON IMCO TRILOGUES

### Geoblocking

In the early hours of 21 November, representatives of the Parliament and Council reached agreement on the proposed geoblocking regulation. Under the new rules, online sellers will not be able to discriminate against customers elsewhere in the EU as regards general terms and conditions, including price, on the basis of their nationality, place of residence or even their temporary location. Automatic re-routing to another website is also banned. As a result, wider access to goods (e.g. household appliances or electronics), hotel bookings, car rentals or concert tickets across borders should be ensured. Electronically supplied services not protected by copyright, such as cloud services, data warehousing or web hosting, are also covered. Digital copyrighted content, such as e-books, music or video games, however, is not fully included in the scope. This will be part of the first review of the regulation, which is foreseen two years after it enters into force. The provisional agreement still needs to be confirmed by Council and Parliament. The rules enter in force before Christmas 2018.

LINK: [Subject file](#)

### Parcel delivery services



The TRAN committee is the lead committee on the Commission's proposal for a Regulation on the cross-border parcel delivery services, while the IMCO committee is associated under the Parliament's Rule of Procedure 54 on the

whole proposal. IMCO's Rapporteur, Ms Biljana Borzan (S&D), is part of the EP's negotiating team which was mandated to carry the inter-institutional negotiations on the file with the Council's Presidency and the Commission. Ms Borzan will report back to the IMCO Committee on 4 December on the first informal trilogue which took place on 20 November 2017 in Brussels. Currently, one more informal trilogue meeting is foreseen to take place within the Estonian Presidency.

LINK: [Procedure file](#)

## IMCO EVENTS

### 14th meeting IMCO Working Group on the Digital single Market

The 14th meeting of the IMCO Working Group on the Digital Single Market took place on 22 November in the morning on the subject "Accommodation and transport services and the Digital Single Market: how to ensure consumer choice and fair competition". During the meeting, academics and stakeholders presented their views on the challenges faced by the accommodation and transport sectors with regards to the emergence of digital solutions in the

sharing economy, and subsequently held an exchange of views on the matter with representatives of the European Parliament and the Commission. The need to further clarify how existing legislation should be applied to digital services, or how to ensure that policy-makers do not subsequently shackle the progress of innovative businesses when creating new legislation, and other related challenges for legislators were among the issues discussed in the meeting.

LINK: [Subject file](#)

## PRIORITIES OF BULGARIAN PRESIDENCY



In the area of the Internal Market, the Bulgarian Presidency of the Council of the European Union announced that advancing the Single market and bringing economic growth and job creation would be one of its main priorities. In particular, the Digital Single Market is presented as a source of

growth and competitiveness. The Bulgarian presidency will aim to advance the negotiations rapidly in order to deliver on the numerous

legislative files, for example on fertilizers, on digital content, on the different proposals under the Services package, namely on the Notifications proposal and the Proportionality test, but also on the Compliance and Assistance Package and in particular on the Digital Single Gateway proposal. The Bulgarian presidency will also start discussions on the proposal on free flow of non-personal data.

LINK: [Bulgarian Presidency](#)

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