

## Newsletter

Issue 97 - November 2018

### SELECTED NEWS

**Strengthening the competitiveness of the Internal Market by developing the EU customs union and its governance**



On Thursday 22 November, IMCO will consider the draft implementation report of Ms Rozière on Strengthening the competitiveness of the Internal Market by developing the EU customs union and its governance. The report reviews the implementation of Customs legislation in the light of the recent news such as the delay in developing the electronic systems needed to fully implement the Union Customs Code, and the findings of the Court of Auditors on the consequences of this delay.

**DRAFTSPERSON:** [Virginie Rozière \(ALDE\)](#)

[Procedure file](#)

**Representative actions for the protection of the collective interests of consumers**



On 22 November, IMCO will vote on the draft opinion of Mr de Jong on the Commission's proposed Directive on representative actions. The rapporteur has sought to attain compromises amongst the diverging positions of the different groups. The main topics argued amongst the Shadows concern the extension of the scope to areas beyond consumer protection, the requirement for qualified entities to obtain a mandate from consumers before seeking a representative action, the criteria for entities to qualify under Article 4, the obligations to inform consumers. IMCO Members will have the opportunity to discuss the compromises and elaborate on their position the day before the vote, on 21 November. The lead committee, JURI, is scheduled to vote on 6 December.

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

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### DIGITAL SINGLE MARKET WORKING GROUP

The 17th meeting of the IMCO Working Group on the Digital Single Market took place on 23 October 2018. The meeting was dedicated to a discussion on developments of e-Commerce in the EU and particularly on the state of the play at the end of the mandate and the vision for the coming years. Four European Commissioners participated in the meeting, including Vice-President Mr Andrus ANSIP (Vice-President of the Commission responsible for Digital Single Market), Ms Elżbieta BIENKOWSKA (Commissioner for Internal Market, Industry, Entrepreneurship and SMEs), Ms Věra JOUROVÁ (Commissioner for Justice, Consumers and Gender Equality) and Ms Mariya GABRIEL (Commissioner for Digital Economy and Society). The Chair of the Working Group Ms Róża

Thun MEP opened the meeting and welcomed participants. After the Commissioners' interventions, MEPs raised questions and concerns, among others on consumer protection in the context of the P2B Regulation and the need to create a fair and transparent framework in the platform-to-business economy, on the new developments related to the e-Commerce Directive, the follow-up practices concerning the Regulation on cross-border portability of online content services, the impact of geo-blocking regulation in the field, on the modernisation brought by the ongoing Copyright Directive. The Vice-President and the Commissioners replied to MEPs and promised that further steps would be taken in the future.

# NEXT COMMITTEE MEETINGS

(21 - 22 NOVEMBER 2018)

[Watch the committee meeting live](#)

## Late Payment Directive

On 21 November, IMCO will consider the amendments, tabled to the draft report by Ms Lara Comi (EPP), on the implementation of the Late Payment Directive 2011/7/EU. In total, Members tabled 114 amendments to the draft report, focussing on issues such as better enforcement of the Directive, the "name-and-shame" factor, training and support for SMEs on credit management, and whether or not to opt for sector-specific payment deadlines. In their amendments, the Members also put a strong emphasis on the role of public authorities in fostering a prompt payment culture. The vote in IMCO is scheduled for 6 December.

**DRAFTSPERSON:** [Lara Comi \(EPP\)](#)

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## Promoting fairness and transparency for business users of online intermediation services

On 21 November, IMCO will discuss the compromise amendments put forward by the rapporteur, Ms Schaldemose, on the Commission's proposed Platform-to-Business (P2B) Regulation, one of the most important ongoing pieces of legislation in the area of the Digital Single Market. Some 681 amendments were tabled by IMCO Members, and more than 20 compromises are being negotiated with a view to achieving broad consensus on this key strategic file. They cover such issues as promoting more transparency and fairness in P2B relations, ensuring market access and ultimately consumer choice and consumer welfare in the platform economy, avoiding abuses and ensuring a level playing field for all actors, as well as the best use of mediation mechanisms to guarantee their effectiveness and transparency. The vote on the IMCO report will take place on 6 December.

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

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## 'Customs' programme for cooperation in the field of customs

On 21 November, IMCO will consider the amendments tabled by Members to the Commission's proposed Regulation on the 'Customs' programme, as well as a number of compromise amendments proposed by the rapporteur, Ms Grapini. The proposal is part of the MFF package and is the successor to Customs 2020, opening a new multiannual period for actions aimed at strengthening the Customs Union. A main concern of the rapporteur is ensuring that the Customs programme is not used to finance costs relating to Brexit, and that the programme helps facilitate trade.

**DRAFTSPERSON:** [Maria Grapini \(S&D\)](#)

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## Programme for single market, competitiveness of enterprises

On 21 November, IMCO will discuss the 236 amendments tabled to the Commission's proposed Regulation, which is part of the MFF package. The great majority of amendments support the suggestion to merge a number of existing MFF programmes into one, in order to create synergies, while some amendments caution against the risk of duplication. A number of amendments propose additional elements or further clarification of the objectives of the programme or put further emphasis on some of the areas of the programme, such as market surveillance, public administration/public services, public procurement, improvement of the process of mutual recognition of professional qualifications, removal of barriers in cross border provision of services, digital developments, emergency measures in large scale situation, sustainability, circular economy, climate change, assisting and empowering consumers, ensuring proper enforcement, access to information, access to effective redress, tackling dual quality of products. Amendments have also been tabled with regard to the implementation and evaluation of the Programme.

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

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## The instrument for financial support for customs control equipment

On 21 November, IMCO will consider the amendments tabled by Members to the Commission's proposed Regulation establishing an instrument for financial support for customs control equipment, as well as a number of compromise amendments proposed by the rapporteur, Mr Pospíšil. The proposal is part of the MFF package. One of the main concerns of the rapporteur is to ensure that the alternative use of the equipment to be purchased (customs control/migration control) allows it to remain with the customs authorities during most of its time or use.

**DRAFTSPERSON:** [Jiří Pospíšil \(EPP\)](#)

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## Insurance against civil liability in respect of the use of motor vehicles

On 21 November, IMCO will discuss the draft report by Ms Dita Charanzová (ALDE) on the proposal amending the Motor Insurance Directive 2009/103/EC. In her text, the rapporteur has concentrated on the scope of the Directive (e.g. eBikes, motor sports), the term "use of a vehicle", and how to better implement the checks on uninsured driving (via the Eucaris application). She has also addressed the issue of insurer insolvency, in both domestic and cross-border cases, and how to enhance claims-history statements, issued by insurance undertakings. The deadline for amendments is set for 27 November.

**DRAFTSPERSON:** [Dita Charanzová \(ALDE\)](#)

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## European industrial policy on artificial intelligence and robotics



On 21 November, IMCO will hold an exchange of views to prepare the opinion that will feed into ITRE's own-initiative report entitled "A comprehensive European industrial policy on artificial intelligence and robotics" (IMCO rapporteur, Ms Charanzová). Artificial intelligence has become an area of strategic importance and a key driver of economic development. The IMCO opinion will focus on issues such as free movement of AI-enabled services and products and consumer protection. The opinion will be approved under the so-called simplified procedure (Rule 50(2)).

**DRAFTSPERSON:** [Dita Charanzová \(ALDE\)](#)

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## Implementation of the cross-border Healthcare Directive

On 22 November, IMCO will vote on the Opinion on the own-initiative report entitled "Implementation of the Cross-border Healthcare Directive" (IMCO rapporteur, Ms Grapini). The rapporteur has presented eight compromise amendments, focusing on strengthening safe and high-quality cross-border healthcare in the Union, as well as increased patient mobility. Other issues addressed in the compromise amendments are the promotion of increased cooperation between Member States, addressing future challenges in the field of digital healthcare, and electronic invoices or electronic prescriptions, as well as raising awareness about patients' rights and National Contact Points.

**DRAFTSPERSON:** [Maria Grapini \(S&D\)](#)

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# LAST COMMITTEE MEETINGS

(10 - 11 OCTOBER 2018; 5 NOVEMBER 2018)

## Re-use of public sector information (recast)

On 11 October, IMCO adopted its opinion on the Commission's proposed Directive on the re-use of public sector information (30 votes in favour, 1 against, 5 abstentions). All 37 compromises presented by the IMCO rapporteur, Ms Reda, were adopted. The opinion focuses on limiting the obstacles to access and re-use of data, based on the principle that the access to information is a fundamental right. The new aspects also include a list of categories of high value data and exemplary datasets from areas, such as statistics, procurement and national law. The Commission is given delegated powers to update this list. Member States are encouraged to design open data policies, to use more permissive licenses and to limit charging.

**DRAFTSPERSON:** [Julia Reda \(Greens/EFA\)](#)

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## Prolongation of the transitional use of means other than the electronic data-processing techniques provided for in the UCC

On 11 October IMCO adopted (31 votes in favour, 3 against and 2 abstentions) the report on the modification of the current Article 278 of the Union Customs Code, which aims to prolong the period during which paper-based customs procedures will be admitted at the customs offices of the Union. The three compromise amendments negotiated by the rapporteur, Mr Selimovic, and the shadow rapporteurs were supported by a large majority. IMCO granted the rapporteur a mandate to enter into negotiations with Council, which was endorsed without challenge in the first November Plenary session.

**DRAFTSPERSON:** [Jasenko Selimovic \(ALDE\)](#)

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## Autonomous driving in European Transport

On 11 October IMCO adopted (33 votes in favour, 1 against and 2 abstentions) an opinion under Rule 54 of the Rules of Procedure, which will be integrated into the Transport Committee's own-initiative report on autonomous driving. The opinion covers issues of consumer protection, product safety and standardisation of autonomous and interconnected vehicles and infrastructures. It calls for set of measures that will enhance the safety and security of users of autonomous transport and of citizens in general. The lead committee, TRAN, will vote on 21 November.

**DRAFTSPERSON:** [Arndt Kohn \(S&D\)](#)

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## Approval and market surveillance of agricultural and forestry vehicles



Prior to the IMCO meeting in October, the draft report prepared by the rapporteur, Mr Danti, was approved in accordance with the so-called simplified procedure (Rule 50(2)) without further amendments.

On 11 October, IMCO granted a mandate to enter negotiations with Council (32 votes in favour, 1 against and 2 abstentions). The aim of the proposed Regulation is to modernise the framework for type-approval of vehicles used for agricultural and forestry purposes.

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

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## Establishing the European Defence Fund

On 5 November, IMCO adopted its opinion on the Commission's proposed Regulation establishing a European Defence Fund (23 votes in favour, 7 against, 1 abstention). All 15 compromise amendments negotiated by the Rapporteur, Mr López Istúriz White, with the Shadows were adopted. The most contentious of the compromise amendments dealt with the status of third countries and associated countries, the ownership of results, the appointment of independent experts assessing the projects, and the Article on ethics. The vote in the lead committee, ITRE, is scheduled for 22 November.

**DRAFTSPERSON:** [Antonio López-Istúriz White \(EPP\)](#)

[LINK: Procedure file](#)

## EU type-approval legislation with regard to the withdrawal of the United Kingdom from the EU

Prior to the IMCO meeting in November, the draft report prepared by rapporteur, Ms Mizzi, was approved in accordance with the so-called simplified procedure (Rule 50(2)) without further amendments. On 5 November, IMCO granted a mandate to enter negotiations with Council (29 votes in favour, 1 abstention). The Commission's legislative proposal aims at complementing the regulation on type-approval of motor vehicles with the necessary elements that arise from the withdrawal of the UK from the EU.

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

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## Application of the Euro 5 step to the type-approval of two- or three- wheel vehicles and quadricycles

IMCO approved its report on the Commission's proposed Regulation on 17 October 2018 under the so-called simplified procedure (Rule 50(2)). The IMCO report focuses on the need to strike the right balance between environmental protection and the social and economic imperatives to meet mobility needs of sections of the public. The report also takes into account the need to support businesses, in particular SMEs. The swift adoption of this legislative proposal could help manufacturers to plan their production of motorcycles and quadricycles in line with the legal requirements.

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

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## Establishing the Digital Europe programme for the period 2021-2027

On 5 November, IMCO adopted (30 votes in favour, 1 against) an opinion on the Commission's proposed funding programme: the "Digital Europe Programme". The Programme is part of the MFF package, the EU's long-term budget. Its main objective is to boost Europe's digital transformation, and the opinion calls on the private sector to make the financial contributions necessary to make it a success. The IMCO opinion was prepared under informal association and will be voted on by the lead committee, ITRE, on 21 November.

**DRAFTSPERSON:** [Evelyne Gebhardt \(S&D\)](#)

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## High Level Forum for a better functioning food supply chain

On 5 November, IMCO held an exchange of views regarding the recent activities of the High Level Forum (HLF) for a better functioning food supply chain. IMCO had decided to set up a group of *suiveurs* to hear feedback from the Commission on the activities of the HLF. The Commission proceeded with feedback on the Sherpa meeting of 10 October. The topics discussed were, amongst others, the dual quality of food products, transparency of food prices, and labelling.

## UPDATE ON IMCO TRILOGUES

### Accessibility Act

During the seventh trilogue on 8 November, Parliament's negotiating team and the Austrian presidency achieved a provisional agreement. The last items negotiated concerned the requirements for the accessibility of the built environment and the obligations applying to other Union acts, including in the framework of public procurement. It was provisionally agreed that the built environment should become "continuously and progressively more accessible" to disabled persons, and Member States are encouraged to align their diverging requirements as much as possible; a review clause requires the Commission to assess the situation five years after the application of the Directive. The EP negotiating team and the Austrian Presidency also agreed that complying with the requirements of the Accessibility Act regarding features, elements or functions of products or services leads to the fulfilment of the relevant obligations set out in other Union acts regarding accessibility for those features, elements or functions. The agreement also ensures that emergency calls to 112 will be answered in an accessible manner and that self-service terminals used in urban transport will be accessible. The technical teams were mandated to finalise the text of the provisional agreement within the coming weeks, which will need to be confirmed by the Member States' ambassadors (COREPER) and by IMCO, before final adoption in early 2019.

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

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### Mutual recognition of goods lawfully marketed in another Member State



The second trilogue on the Mutual Recognition Regulation took place on 18 October. Some key political points were discussed, such as the scope, the procedures for assessment of goods and for handling complaints, and the effective coordination between the Commission and the Member State. The Parliament is insisting on a full application of the principle of mutual recognition and an effective free circulation of goods within the EU. The negotiations appear to be on track and the two co-legislators are aiming at reaching an agreement before the end of the year.

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

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## LEGISLATIVE SCRUTINY

### Implementation of the Professional Qualifications Directive and the European Professional Card

On 22 November, IMCO will hold a scrutiny session on the Implementation of the Professional Qualifications Directive and the European Professional Card (EPC). The EPC is available in all Member States since 18 January 2016. It is not a plastic card, but an electronic procedure, allowing EU professionals to provide services or establish themselves permanently in another Member State. Applicants have to submit their professional qualifications online and prove that they are legally established in one Member

State (by submitting additional documents, attesting for instance professional liability insurance, membership in a professional body, clear criminal record etc.). Authorities in the countries of origin are responsible for checking the authenticity and validity of application documents. As a first step, the Commission introduced the EPC for certain professions, such as nurses, pharmacists, physiotherapists, mountain guides and real estate agents, but it could be extended to other professions in the future.

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