

Newsletter

Issue 98 - December 2018

SELECTED NEWS

Fertilising Products



On 20 November, Parliament and Council reached a provisional political agreement at the fourth trilogue on the Fertilising Products Regulation. The key terms of the agreement are a single limit for cadmium in phosphate fertilisers, which is set at 60 mg/kg, with the Commission to review this value four years after the date of application of the Regulation. The co-legislators also agreed a voluntary labelling system for low-cadmium fertilisers, as well as a regulatory regime for the use of industry by-products as input into fertilising products. The legislation is a key piece of the circular economy, and this successful trilogue brought to a close more than two and a half years' work since the publication of the Commission's proposal. Coreper is expected to look at the deal on 12 December, while the vote in IMCO can be expected to take place on 22 January. The plenary forecast is for the March I part-session.

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

[Procedure file](#)

Mutual recognition of goods lawfully marketed in another Member State

On 22 November, Parliament and Council reached a provisional political agreement on a new Regulation for the mutual recognition of goods across the EU. The agreed text requires Member States to clearly justify any restrictions to market access, in line with the provisions of the EU Treaty and the case law of the Court of Justice. It also ensures that the assessment of goods by the competent national authorities is performed quickly and effectively, avoiding any arbitrary discrimination or a disguised restriction. Other key provisions included at the request of Parliament are: simplified procedures for companies and national authorities, effective cross-border cooperation among the competent authorities and the



Product Contact Points of the Member States, and improvement of problem-solving procedures by making use of the SOLVIT mechanism. The new rules are a major step towards the removal of trade barriers and the free circulation of goods within the single market.

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

[Procedure file](#)

PROMOTING FAIRNESS AND TRANSPARENCY FOR BUSINESS USERS OF ONLINE INTERMEDIATION SERVICES

On 6 December, IMCO will vote on Ms Schaldemose's draft report on the Commission's proposed Regulation on Fairness and transparency for business users of online intermediation services (P2B Regulation), one of the most important ongoing pieces of legislation for the completion of the Digital Single Market. A total of 30 compromise amendments have been proposed by the rapporteur and agreed among political groups. 681 AMs were tabled in IMCO, and 3 other Committees provided their Opinions: JURI (under rule 54 shared competence), ITRE (rule 53+) and TRAN (rule 53). The compromise amendments seek to achieve a broad consensus on this key strategic file. This Regulation seeks to

improve the current situation by promoting more transparency and fairness in Platform-to-Business 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 the effectiveness and transparency of these processes, among other things. IMCO will also vote on a mandate to open negotiations with Council, which could start already in December.

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

[Procedure file](#)

NEXT COMMITTEE MEETINGS

(6 DECEMBER 2018)

[Watch the committee meeting live](#)

Discontinuing seasonal changes of time

On 6 December, the IMCO Committee will consider the draft opinion by Mr Šoltés on the Commission's proposal to discontinue seasonal changes of time. In his opinion, the rapporteur welcomes the Commission's proposal to discontinue the bi-annual change of clock. However, the rapporteur draws attention to the need to maintain a harmonised approach for time-arrangements, to safeguard the proper functioning of the internal market. Among other things, the rapporteur proposes to delay the date of application of the Directive by one year to give Member States sufficient time to coordinate their approach and consult relevant stakeholders. He also proposes that a network composed of representatives from each Member State and the Commission be established to ensure the harmonised implementation of the Directive.

DRAFTSPERSON: [Igor Šoltés \(Greens/EFA\)](#) [Procedure file](#)

Late Payment Directive

On 6 December, IMCO will vote on the adoption of the draft own-initiative report on the implementation of the Late Payments Directive (2011/7/EU). The rapporteur, Ms Comi, has proposed 21 compromise amendments, taking into account many of the 114 amendments tabled by Members to the proposal. The compromises focus, among other things, on better enforcement of the legislation on late payment, shorter payment deadlines, enhanced remedial measures, in particular for SMEs, and the "name-and-fame" factor based on rewarding good payment behaviour. Special attention is also paid to the responsibilities of the public sector in fostering a prompt payment culture.

DRAFTSPERSON: [Lara Comi \(EPP\)](#) [Procedure file](#)

'Customs' programme for cooperation in the field of customs

On 6 December, IMCO will vote on the report on the 'Customs' programme for cooperation in the field of customs (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. The rapporteur has presented nine compromise amendments, focusing on areas such as ensuring that the Customs programme is not used to finance costs relating to Brexit, assisting IT capacity building, and making sure that the programme helps facilitate trade.

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

Establishing the European Cybersecurity Competence Centre

On 6 December, the IMCO Committee will consider the draft opinion by Mr Kohn on the Commission's proposal to set up a Cybersecurity Competence Centre. Overall, in his opinion, the rapporteur welcomes the proposal of the Commission highlighting a number of points that need further clarification and improvement. The rapporteur points in particular to the need to harmonise the accreditation and assessment processes allowing entities to become members of the future Cybersecurity Community, the need to increase the involvement of SMEs and the need to increase the uptake of cybersecurity products and solutions developed within the Union. Finally, the rapporteur highlights the importance of building a strong cyber skills base including training and awareness-raising campaigns.

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

Programme for single market, competitiveness of enterprises

On 6 December, IMCO will discuss compromise amendments on the Single Market Programme Regulation. The compromise amendments will focus on a number of issues, such as clarifying the objectives of the Programme, the importance of allocating more funds for consumer protection, market surveillance, addressing digital challenges within the single market, better evaluation and implementation of the Programme, as well as and ensuring greater visibility of the benefits of EU actions and grants.

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

Instrument for financial support for customs control equipment

On 6 December, IMCO will vote on the report on the Commission's proposed Regulation establishing an Instrument for financial support for customs control equipment. The proposal is part of the MFF package and is part of the Integrated Border Management Fund. The rapporteur has presented nine compromise amendments, with several key aims: to ensure that the equipment financed under the Instrument is used primarily for customs control, whilst allowing it to be used for additional purposes; to include software directly necessary for the use of customs control equipment; and to ensure transparency of the actions and results of the Instrument.

DRAFTSPERSON: [Jiří Pospíšil \(EPP\)](#) [Procedure file](#)

Type-approval requirements for motor vehicle safety

On 6 December, IMCO will consider the draft report of Ms Thun on the Commission's proposed Regulation relating to motor vehicle safety. The draft Regulation aims to bring together in a single and coherent legal text the current Vehicle General Safety Regulation (Regulation 2009/661) and the Pedestrian Safety Regulation (Regulation 78/2009). It also creates a link with the requirements that motor vehicles will be requested to fulfil in order to obtain a type approval. In preparation of the committee debate, a workshop was organised on 29 November for IMCO Members to take stock of the current statistical and technical knowledge on causes and consequences of road accidents, the present day state of technology and the potential solutions that it offers, and the possibility to scale these solutions into modern vehicle production chains.

DRAFTSPERSON: [Róza Thun \(EPP\)](#) [Procedure file](#)

Complementing EU Type approval legislation with regard to Brexit

On 6 December IMCO will vote on the provisional political agreement reached between Parliament and Council on the Commission's proposed Regulation to complement EU Type approval legislation with regard to Brexit. The agreement was reached at a Trilogue on 27 November, where the rapporteur, Ms Mizzi, led Parliament's negotiation team on the basis of the mandate granted by IMCO on 22 November. The agreement had the full backing of the Commission representatives. The legal framework for vehicles that were type-approved by the approval authority of the UK, and that will cease to have an authority of reference in the EU27 after Brexit is clarified by the provisions of this agreement. This is the first Brexit preparedness legislative proposal to reach this stage in the area of Internal Market. If IMCO endorses this agreement, Plenary will vote on it on 11 December.

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

LAST COMMITTEE MEETINGS

(21 - 22 NOVEMBER 2018)

Implementation of the cross-border Healthcare Directive

On 22 November, IMCO Members adopted an opinion on the implementation of the cross-border Healthcare Directive (27 votes in favour, 2 against, 1 abstention). The opinion will feed into the ENVI committee's own-initiative report. All 8 compromises presented by the rapporteur, Ms Grapini, were adopted. The compromises focussed mainly on facilitating patient mobility and guaranteeing patients' rights, as well as on enhancing administrative cooperation between national contact points.

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

[Procedure file](#)

Representative actions for the protection of the collective interests of consumers



On 22 November, IMCO adopted an opinion on the Commission proposal for a Directive on representative actions (18 votes in favour, 10 against, 3 abstentions). The adopted opinion enlarges the scope of the Directive by amending the Annex and allows for delegated acts to amend the Annex further. The opinion amends Article 4 on the criteria for qualified entities but keeps the provisions allowing for ad hoc designation. It allows for declaratory decisions in strictly justified and exceptional cases and provides that redress shall normally be allocated to affected consumers. The lead committee, JURI is due to vote on its report on 6 December.

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

[Procedure file](#)

European industrial policy on artificial intelligence and robotics

On 21 November, IMCO members exchanged views on an opinion on artificial intelligence. The opinion will feed into ITRE's own-initiative report entitled "A comprehensive European industrial policy on artificial intelligence and robotics". The rapporteur, Ms Charanzová, highlighted the importance of artificial intelligence and focused on the need for a common framework for coordinated action, especially for internal market issues, such as free movement of AI-driven services and smart goods, consumer protection, a human-centred approach and the key role of cybersecurity. IMCO members recognised the importance of an AI strategy and expressed support for the draft opinion. The opinion will be approved under the simplified procedure (Rule 50(2)). The draft opinion will be deemed adopted in the absence of objections by 3 December.

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

[Procedure file](#)

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

On 21 November, IMCO considered the draft report by Ms Charanzová on the Commission proposal amending the Motor Insurance Directive 2009/103/EC. In her presentation, the rapporteur explained her suggestions on the scope of the Directive (e.g. eBikes, motor sports), the term "use of a vehicle", exchange of data on uninsured driving (via Eucaris) and on the insolvency of the insurer. The Members who intervened further focused on the Directive's scope, on data exchange and the protection of personal data as well as on the portability of claims-history statements. The deadline for amendments is 27 November.

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

[Procedure file](#)

Strengthening the competitiveness by developing the EU customs union and its governance

On 22 November, IMCO considered the draft own-initiative report of Ms Rozière on the implementation of customs legislation and the governance system of the customs union, as well as the links between the policy area of customs and the internal market, the competitiveness of European industry and the protection of citizens. The rapporteur and other Members underlined the importance of importers, exporters and administrations having electronic systems at their disposal, to allow them to process the customs requirements in a seamless and timely manner. Appropriate and timely reporting by the European Commission is considered as a key element, which is dependent on the collaboration of the customs administrations of the Member States in facilitating access to that information.

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

[Procedure file](#)

Amending Regulation (EU) No 952/2013 laying down the Union Customs Code

On 22 November, IMCO adopted a mandate (27 votes in favour, 1 against) to negotiate with Council on modifications to the Union Customs Code. The Code would extend the customs territory of the Union to include the Italian exclave of Campione d'Italia as well as the territorial waters of lake Lugano. At present these territories and waters of Italian sovereignty are excluded from the Customs Union. Amendments to the Union Customs Code also make technical modifications that have become necessary as a result of the latest trade agreements concluded by the Union.

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

[Procedure file](#)

Better enforcement and modernisation of EU consumer protection rules

On 21 November, the IMCO Committee considered the compromise amendments on the Commission proposal on Better enforcement and modernisation of EU consumer protection rules, part of the "New Deal for Consumers" package. Compromise amendments will cover most issues such as the right of withdrawal, doorstep-selling, transparency of online marketplaces, online reviews and penalties. Dual quality of products is the main issue that still needs further discussion. While some Members stressed that the most appropriate way to deal with this issue would be to include it in the UCPD blacklist, others supported the Commission's approach of treating such cases as a misleading commercial practice, assessed by competent authorities on a case-by-case basis. Members stressed the political importance of the issue and their willingness to continue working towards a good compromise, to strengthen Parliament's position ahead of future negotiations with Council. The vote in IMCO is scheduled for 22 January.

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

[Procedure file](#)

Legislative Scrutiny: Professional Qualifications Directive and the European Professional Card

On 22 November, IMCO held a scrutiny session on the implementation of the Professional Qualifications Directive, and in particular on the application of the European Professional Card (EPC). The Commission noted the success of the EPC which was introduced as a pilot project for a first set of professions, such as nurses, mountain guides, real estate agents, etc. Members enquired about the possibility to further extend the EPC to other professions, in particular civil engineers or architects. The Commission expressed readiness to start working on a new implementing act as regards civil engineers and especially architects, given that the latter benefit from automatic recognition, but highlighted the need to ensure support from Member States.

UPDATE ON IMCO TRILOGUES

Contracts for the supply of digital content

On 22 November, the co-rapporteur, Ms Gebhardt, gave feedback on the seventh trilogue on digital content, which had taken place two days before. She stressed that the digital content file and the sale of goods file (2015/0288(COD)) were closely interrelated and that Parliament's negotiating team could only provisionally agree to transferring embedded digital elements from the digital content file to the sales of goods file, as it is striving for overall alignment

and coherence of the two proposals, in order to achieve the widest possible harmonisation. The Council is set to adopt a General Approach on the sales of goods file on 7 December. If this General Approach is satisfactory for the Parliament, it should pave the way for a final trilogue on Digital Content on 12 December and the opening of negotiations with Council on the sales of goods file after that.

LINK: [Subject file](#)

"CONSUMER LAW READY" CONFERENCE

On 27 November a conference on the "Consumer Law Ready" Pilot Project took place at the Parliament's premises in Brussels. Participants from consumer and business associations, SMEs, the Commission and the Parliament discussed how SMEs could be trained in consumer law. Trainers and entrepreneurs shared the experience gained during the project and discussed solutions. Opportunities and challenges that e-commerce creates for SMEs were also highlighted, including through new technologies like

artificial intelligence. The Commission particularly stressed the need for improved compliance with consumer law and better enforcement of consumer rights, and emphasised the importance of raising awareness amongst SMEs. The conference was organised with the support of the IMCO Committee and was opened by IMCO Vice-Chair Catherine Stihler.

LINK: [website](#)

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



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Closure date of the current issue: 28 November 2018

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