



Newsletter

Issue 38- January 2013

AT A GLANCE

This issue addresses the items on the agenda of **the next committee meetings on 23-24 January and 20-21 February 2013**. Amongst others, on 23 January, IMCO will vote on the report on amending the Directive on Professional Qualifications and on the opinion on Data Protection. The day after, the Committee will vote on the report on the Award of Concession Contracts and on the Utilities Directive. IMCO will also hear a presentation of the priorities of the Irish Presidency and hold an exchange of views with Director General, Mr Daniel Calleja Crespo, European Commission DG ENTR. The full Agenda of the next meetings is available on [IMCO's webpage](#).

This edition also reports from the **last committee meetings of 17-18 December 2012 and 10 January 2013**. Amongst others, IMCO voted on the report on the classic Directive on Public Procurement and on the report on Union Customs Code (recast). IMCO also voted on the opinion on the Annual Report on Competition Policy and on the outcome of the negotiations on Directive on Consumer ADR and Regulation on consumer ODR. IMCO also considered the amendments tabled to the report on Award of Concession Contracts, held an exchange of views with experts from stakeholders on the opinions on Key Information Documents for Investment Products and Insurance Mediation (recast).

SELECTED NEWS: WISHES FOR 2013 FROM THE IMCO CHAIR



2013 will be a very important year for the IMCO Committee. It will be the last full year of work before the European Elections in May 2014! Top of our agenda is to conclude the legislative process for key reforms of public procurement, the customs code, and mutual recognition of professional qualifications. We will also examine new packages of reforms on consumer product safety and package travel.

The Committee looks forward to working closely with the Irish and Lithuanian teams who will be leading the Council during 2013. We are keen to raise the profile of Single Market performance and transposition by the 27 EU governments. The Schwab report will make recommendations on integrating Single Market Outcomes into the EU's economic review cycle.

For future policy initiatives, the Committee Co-ordinators have agreed to extend the work of the Digital Single Market and e-Commerce Working group until mid 2013.

Our goal is to make recommendations for a comprehensive action plan to drive forward a whole range of legislative and non-legislative actions to boost the Digital Marketplace. We think that this could become the "Single Market Act 3". We hope that such an initiative could be endorsed by European Prime Ministers at their Autumn Growth Summit.

So, it will be another very busy year for IMCO. I would like to thank all our Members, Assistants, Committee and political group staff for their support. And also, the Commissioners and their staff who work with us on policy and legislative projects. I also wish all our loyal readers - nearly 2000 of you are now receiving this bulletin online - a very Happy New Year. We will be aiming to improve our flow of information on IMCO activities this year and hope that you will also log onto our webstream.

We look forward to our continued work together. Malcolm Harbour CBE

SELECTED FILE: PUBLIC PROCUREMENT

Since the beginning of 2012, IMCO Members have been working on the package on the modernisation of public procurement (PP). This includes the revision of both PP Directives (so-called 'Classic' and 'Utilities', Rapporteur: M. Tarabella) and the adoption of a new Directive on Concessions (Rapporteur: P. Juvin). IMCO adopted its final report on the 'Classic' Directive on 18 December and will vote on the two remaining ones on 24 January 2013. The number of amendments tabled for each of these files ranges between 1000 and 2000. Following extensive negotiations with their Shadows, the two Rapporteurs managed to reach compromise amendments on all of the most controversial subjects. These include, notably, public-public cooperation, the inclusion of social and environmental considerations throughout the award procedure, scope and sectoral exclusions, subcontracting, the 'light' regime for social and related services, governance, procedural aspects, affiliated undertakings and life-cycle aspects. The vote on the Utilities file is expected to yield a similar outcome as the vote on the 'Classic' Directive, since almost all compromises proposed for the 'Utilities' are actually taken over from the 'Classic' Directive to ensure consistency. The vote on the Concessions file is less predictable since there are some concession-specific issues which have proven controversial during negotiations (e.g. exclusion of specific sectors) as well as given the stated intention of certain Groups to reject the Commission proposal. After the votes on 24 January 2013, coordinators, in consultation with Shadows and Rapporteurs, will decide on the next procedural steps to take forward the public procurement package as a whole.

RAPPORTEUR: [Marc Tarabella \(S&D\)](#)

[Procedure File](#)

[Final Report](#)

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NEXT COMMITTEE MEETINGS

(23-24 JANUARY AND 20-21 FEBRUARY 2013)

[Watch the committee meeting live](#)

[Agenda and meeting documents](#)

Recognition of Professional Qualifications



On **23 January** IMCO will vote on the draft report on amending the Directive on the Recognition of Professional Qualifications. The aim is to encourage mobility of professionals by, amongst others, modernising the existing framework with regard to harmonised minimum training requirements, introducing the European professional card, improving access to information and clarifying restrictions on partial access. 634 Amendments and 2 opinions were submitted to the draft report by Ms Vergnaud. The Rapporteur and Shadow Rapporteurs are now discussing with a view to reaching compromise amendments before the vote, focusing on key issues such as partial access, traineeships, deadlines and tacit authorisation, alert mechanism and language checks for health professionals, notaries, continuous professional development, common training framework and sectoral professions.

RAPPORTEUR: [Bernadette Vergnaud \(S&D\)](#) [Procedure file](#)

Better Governance of the single market

On **23 January**, IMCO will vote on the initiative report of Andreas Schwab on the governance of the Single Market. Acknowledging the potential of a well functioning Single Market for boosting growth, competitiveness and jobs in Europe, the report aims at strengthening its governance in order to facilitate transposition of, and implementation and conformity with Union law. To that end, IMCO invites the Commission to present a legislative proposal establishing an annual Single Market governance cycle and integrating it into the European Semester. IMCO also gives its views on the Single Market dimension of the 2013 Annual Growth Survey which sets the course for the next European Semester. The report will be on the agenda of the February plenary session.

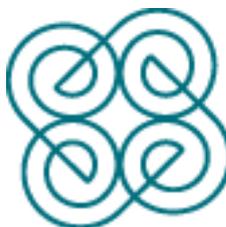
RAPPORTEUR: [Andreas Schwab \(EPP\)](#) [Procedure file](#)

General Data Protection Regulation

On **23 January 2013**, IMCO will vote on the draft opinion on General Data Protection Regulation. 373 amendments have been submitted to the draft opinion in addition to the rapporteur's own 86 amendments, making it a total of 459 amendments. The discussion on the draft Compromise Amendments has shown that there are still important differences amongst shadows with regard to key concepts of the proposed Regulation (e.g. data subject, profiling, definition of children, consent). At the same time, all sides acknowledge the added value of reaching a swift and balanced political compromise. The Rapporteur called on the other shadows to approach the amendments from a political rather than a national perspective and to focus mostly on consumer protection and internal market effectiveness points.

RAPPORTEUR: [Lara Comi \(EPP\)](#) [Procedure File](#)

Presentation of the priorities of the Irish Presidency



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On **23 January** IMCO will hear a presentation of the priorities of the Irish Presidency by Mr. Richard Bruton (Minister for Jobs, Enterprise and Innovation) and Mr. Ruairí Quinn (Minister for Education and Skills). Ireland's Presidency Programme "*For Stability, Growth and Jobs*" sets out the core principles of the Presidency, including people-centred recovery, designed to last, and investment in job-friendly growth and in Europe's resources. The Irish Presidency will focus on Single Market Act measures, advancing the Digital Single Market and boosting Europe's capabilities in the research and innovation area, and will work on achieving an agreement on proposals including the Public Procurement package, Union Customs Code (UCC) and Recognition of Professional Qualifications, as well as the governance of the Single Market.

LINK: [Website of the Irish Presidency](#)
[Programme of the Irish Presidency](#)

Exchange of views with Mr Daniel Calleja Crespo, Director General, European Commission DG ENTR

On **23 January**, IMCO will hold an exchange of views with Mr Daniel Calleja Crespo, Director General for DG Enterprise and Industry of the European Commission. Issues to be discussed within the meeting include amongst others, the DG ENTR Work Programme for 2013.

LINK: [Website of DG Enterprise and Industry](#)

Hearing: the Internal Market for Services: state of play and next steps

The IMCO Committee is organising a hearing on how to unleash the growth potential of the services sector, following the Commission's Communication on "*A partnership for new growth in services 2012 -2015*" (COM (2012) 261 final). The hearing will stress the importance to fully implement the Directive and will seek to identify how to tackle remaining barriers. It will also be an opportunity to explore with experts in the field how to maximise the economic effects of the internal market for services, to the benefit of consumers and businesses alike.

The hearing will take place in the European Parliament on **20 February 2013 (15h00-17h30)**, and will be followed by a draft report in April, to be voted in Committee in July 2013.

RAPPORTEUR: [Anna Maria Corazza Bildt \(EPP\)](#) [Procedure File](#)

UP-DATE ON IMCO TRILOGUES

Directive on Consumer ADR and Regulation on consumer ODR



Following the successful conclusion of the informal trialogues on 5 December and the receipt of a formal letter from Coreper with the accepted text of both legislative instruments, the Committee endorsed on **18 December 2012** the outcome of negotiations on both files by 35 votes in favour and 4 against. The plenary vote is planned for March 2013.

Customs enforcement of IPRs

On **19 December 2012** the EP Negotiating Team (Rapporteur, shadows and rapporteurs for opinion in JURI and INTA) chaired by Mr Harbour reached an agreement. The main hot topics of the negotiation were: goods in transit, including generic medicines; simplified procedure for IPR infringements; special procedure for small consignments, right to be heard and data protection. On **24 January 2013** IMCO Members will need to endorse through a vote the Coordinators' decision on whether to agree on the negotiated text. If this is the case, IMCO Chair will formally confirm, in a letter addressed to the Chair of the Coreper, that should Council transmit formally to the EP its position in the form as attached to the letter, the IMCO Chair will recommend to the Plenary that the Council's position is accepted without amendment

THE COMMISSION

EU Unitary Patent moves forward

The EU can at last get a single patent system after thirty years of trying. The European Parliament has endorsed a Council presidency compromise on the patent reform package which had already been agreed upon at the Competitiveness Council. The new unitary patent could radically reduce, by up to 80%, translation and related costs for obtaining patent protection in the EU.

LINKS: [Statement by Commissioner Barnier](#)
[Frequently asked questions on the Patent reform package](#)

DG SANCO: cocktail with IMCO Members

On **19 February** under the auspices of Malcolm Harbour, IMCO Chairman, the unit in DG SANCO, in charge of Enforcement and European Consumer Centres, would host a cocktail for IMCO Members together with European Consumer Centres Directors (ECC). The event will take place on the 19th February 2013 from 17h30 till 19h30 in the EP in the Members' Restaurant.

TIP OF THE MONTH



Mr Malcolm Harbour, IMCO Chair, has been awarded the title of "Commander of the most excellent Order of the British Empire", CBE for short, for "services to the UK economy". He will be invited to Buckingham Palace in the next few months to receive his award.

The IMCO Secretariat joins MEPs in offering its
WARMEST CONGRATULATIONS
to the IMCO Chair for being awarded this Honour!

LINK: [New Year Honour's List 2013](#)

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Closure date of the current issue: **21 January 2013**

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Union Customs Code (UCC) recast

On **24 January 2013** IMCO Members will need to endorse through a vote the Coordinators' decision on whether to enter into negotiation with the Council in order to reach a 1st reading agreement. This vote follows the adoption in IMCO of Ms Le Grip's Report on UCC recast on **18 December 2012**. Amongst other things, Members voted on: the use electronic means by all Member States; the valorisation of the AEO status in the UCC recast; testing further simplification using electronic data-processing techniques open to all Member States; changing temporary storage from a "special customs procedure" to a "status". The main challenges for the Trilogues are: 1. the feasibility to reach an agreement before 24 June 2013 when the MCC will enter into force if the UCC is not adopted before; 2. the issue of delegated and implementing acts; 3. the need to reduce as much as possible the amendments related to the codified part of the Commission's proposal in order to respect the rules on recasting.

Customs programme 2014-2020

On **23 January 2013** the coordinators will consider the possibility to enter into negotiation with the Council in order to reach a 1st reading agreement. This discussion will follow the IMCO vote on the draft Resolution (as a whole) on Customs programme 2014-2020 on 23 January. This vote was postponed until the BUDG Committee confirmed which of its amendments on Fiscus programme could still be considered in IMCO on Customs programme.

THE COURT OF JUSTICE

Judgment of the Court on 19 December 2012. Azienda Sanitaria Locale di Lecce. C-159/11

In a judgement delivered on 19 December 2012, the ECJ (Grand Chamber) ruled that European Union public procurement law precludes national legislation which authorises the conclusion, without an invitation to tender, of a contract by which public entities establish cooperation among each other where – this being for the referring court to establish – the purpose of such a contract is not to ensure that a public task that those entities all have to perform is carried out, where that contract is not governed solely by considerations and requirements relating to the pursuit of objectives in the public interest or where it is such as to place a private provider of services in a position of advantage vis-à-vis his competitors.

LINK: [Case C-159/11](#)