



Newsletter

Issue 35- September 2012

AT A GLANCE

This issue addresses the items on the agenda of **the next committee meetings on 24-25 September and on 10-11 October**. Amongst others, IMCO will hold preparatory meetings *in camera* in view of the presentation of the compromise amendments to the draft report on "Public Procurement" (M. Tarabella). IMCO will vote amendments to the draft report "The Implementation of the Consumer Credit Directive 2008/48/EC" (B. Collin-Langen), as well as to the draft opinions on the "Development of the Trans-European Transport Network" (S. G. Cofferati). IMCO will also organise a hearing on "Common European Sales law" and receive a presentation by Prof. Dr. Jules Stuyck, Director of the Centre for European Economic Law and the Study Centre for Consumer Law, KU Leuven.

This edition also reports, from **the last committee meetings of 9-10 July, 6 September and 17-18 September**. Amongst others, IMCO considered and voted the compromise amendments to the draft reports on "Online dispute resolution for consumer disputes" (R.G. von Thun und Hohenstein) and on "Alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC" (L. Grech), as well as the amendments to the draft opinions on Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (2014 - 2020) (E. McClarkin) and on "Interim report in the interests of achieving a positive outcome of the Multiannual Financial Framework 2014-2020" (C.S. Busoi). The full Agenda of the next two meetings are available on [IMCO's webpage](#).

SELECTED NEWS

European Toy Safety Campaign: don't let accidents ruin your summer!



The European Commission is currently running a toy safety information campaign targeting economic operators involved in toy manufacturing and marketing. The campaign, which uses seminars to raise manufacturer and retailer awareness of toy safety rules, started in January 2012 in Romania and went on to Bulgaria, France, Germany, Poland, Czech Republic, Ireland and Italy. These countries were chosen because in 2009 they made 80% of total EU toy production. The training and information campaign continues in 2013, in order to cover all Member States. The Commission also educates manufacturers in China, since most of the toys in our shops are imported from there.

Links: [European Toy Safety Campaign](#)

Libor scandal: Commission proposes EU-wide action to fight rate-fixing

In the recent LIBOR scandal, serious concerns have been raised about false submissions of banks' estimated interbank lending rates. Any actual or attempted manipulation of such key benchmarks can have a serious impact on market integrity, and could result in significant losses to consumers and investors, or distort the real economy. On 20 October 2011 the Commission had tabled two proposals for a Regulation and a Directive on insider dealing and market manipulation, including criminal sanctions. On 25 July 2012 the Commission adopted two amended proposals to clearly prohibit the manipulation of benchmarks, including LIBOR and EURIBOR, and make such manipulation a criminal offence.

Links: [Relevant EC Texts \(amended proposal for a Regulation and amended proposal for a Directive\)](#)

Protecting Intellectual Property Rights: EU customs detain over 100 million fake goods at EU borders

On **24 July** the European Commission published its annual Report on the customs detentions of articles suspected of infringing intellectual property rights (IPR), such as trademarks, copyrights and patents. These statistics are compiled on the basis of the data transmitted by the EU Member States in accordance with Article 8 of Commission Regulation (EC) 1891/2004. In 2011, more than 91,000 detention cases were registered by Customs: an increase of 15% compared to 2010. This increase totally depends on air, express and postal traffic, as a result of the growth of the e-commerce market. As far as the 114 million detained articles are concerned, the value of the equivalent genuine products is estimated to be over 1.2 billion euro.

Links: [EC Report](#)

Medicines are at the top of the list of detained articles (24%), followed by packaging materials and cigarettes. Products for daily use (i.e. body care articles, medicines, toys, electrical household goods) accounted for 28,6% of the total number of detained articles, posing justified concerns over the potential risks for public health and safety. The increased number of cases concerned mainly shoes other than sport shoes, electrical household goods and clothing. China continued to be the main source country from where IPR infringing goods were shipped to the EU, accounting for 73% of the total amount of detained articles.

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NEXT COMMITTEE MEETINGS

(24-25 SEPTEMBER 2012 AND 10-11 OCTOBER 2012)

[Watch the committee meeting live](#)

20 main concerns of European citizens and business with the functioning of the Single Market

On **24 September**, IMCO will discuss the possible Compromise Amendments drawn from the 82 amendments which were tabled in IMCO within the deadline on the report on the draft report on the 20 main concerns of European citizens and business with the functioning of the Single Market. The draft report welcomes the work undertaken by the European Commission, concentrated on the governance aspects of the Single Market and made a number of comments and suggestions, especially related to information/communication and legislation/application about/of EU law. It calls for improved cooperation of the EU Institutions and reminded Member States of their responsibilities with regard to the internal market.

RAPPOREUR: [Regina Bastos \(EPP\)](#) [Procedure file](#)

Completing the Digital Single Market



On **11 October**, IMCO will vote the 110 amendments and 3 opinions (ITRE, JURI and CULT) submitted to the draft report. The main themes include amongst others: equal access to the Digital Single Market, data protection in the context of new technologies and safeguarding against counterfeiting, bridging the gap between the online and offline world, ensuring smart, sustainable and inclusive growth, ensuring legal certainty, the setting of an 'e-commerce test' for all future single market legislation, SME development programmes, effective means of redress, lower prices for cross-border delivery and shipping services, cutting of red-tape, simplifying the collective management of copyright and ensuring a safe internet for children.

RAPPOREUR: [Pablo Arias Echeverría \(EPP\)](#) [Procedure file](#)

EVENTS

Single Market Week Launch Event

As part of the 20th anniversary of the European Single Market, a Single Market Week will be organised from 15 to 20 October 2012 with events taking place in cities across the 27 Member States of the European Union. Europeans citizens, students, experts, businesses, national and local public authorities will be provided with opportunities to discuss the main achievements of the Single Market during the last 20 years but will also look ahead, and share their views and expectations on the main challenges that the Single Market must overcome in the future.

A launch event, to kick off Single Market Week, will take place in the Hemicycle of the **European Parliament** in Brussels on **15 October 2012 from 09:00-18:00**.

LINK: More about the 20th Anniversary of the Single Market, the Single Market Week, and the registration to the launch event : www.singlemarket20.eu.

[Agenda and meeting documents](#)

Union Customs Code (Recast)



IMCO announced that the deadline for amendments for the Union Customs Code (Recast) is set for **16 October at noon**. The dossier was already discussed in IMCO on 31 May and the draft Report was presented to Members on 17 September. On this occasion Ms Le Grip highlighted the objective to promote modern and simple customs rules and explained her main amendments to the Commission's proposal which concern: the use of electronic means by all Member States (exceptionally derogations could be allowed for a limited period of time and when they do not affect the development, maintenance and use of the electronic system); the integration of the main principles in the basic act on the Authorized Economic Operator status and on the rules on the acquisition of origin and preferential origin of goods; the possibility of introducing further simplification using electronic data-processing techniques. In general, IMCO Members supported Ms Le Grip's draft Report and welcomed her balanced approach. The centralised clearance as ruled in the Modernised Customs Code and the no-need for a separate declaration for temporary storage was also highlighted at 17 September's meeting.

RAPPOREUR: [Constance Le Grip \(EPP\)](#) [Procedure file](#)

The Implementation of the Consumer Credit Directive 2008/48/EC

On **11 October**, IMCO will vote on the draft report on the Consumer Credit Directive (CCD). The aim is to harmonise certain aspects of the Member States' legislation on consumer credit loans agreements of a value between €200-€75,000. Reducing differences in national legislation together with better and comparable information on loan conditions was thought to facilitate cross-border loans. The draft report of Ms Collin-Langen identified the shortcomings in the implementation of the CCD, noticed the insignificant increase in the cross-border take-up of consumer credit, and invited the Commission to proceed with assess the application of this Directive before debating any necessary review. 29 amendments were tabled within the deadline, dealing mostly with information provided to the consumers, but also with such issues as creditworthiness assessment and correct transposition.

RAPPOREUR: [Birgit Collin-Langen \(EPP\)](#) [Procedure file](#)

Hearing on Common European Sales Law

IMCO organises a hearing on the Common European Sales Law (CESL), following the adoption by the European Commission of its legislative proposal for a Regulation on such on 11 October 2011. The overall objective of the proposal is to improve the establishment and the functioning of the internal market by facilitating the expansion of cross-border trade for business and cross-border purchase for consumers. A uniform set of rules under the name of Common European Sales Law is intended to constitute an alternative for diverging national laws, which traders and consumers should be able to choose together for their mutual benefit and that of the Single Market as a whole. The hearing will take place from in the József Antall (JAN) building of the **European Parliament** room 6Q2. event on **24 September from 15:00 to 17:30**

LINK: [Hearing programme](#)

LAST COMMITTEE MEETINGS

(9-10 JULY 2012, 6 SEPTEMBER 2012 AND 17-18 SEPTEMBER 2012)

Harmonisation of the laws of the Member States relating to

- electromagnetic compatibility (Recast)
- making available on the market of non-automatic weighing instruments (Recast)
- making available on the market of simple pressure vessels (Recast)
- making available on the market of lifts and safety components for lifts (Recast)
- making available on the market and supervision of explosives for civil uses (Recast)
- equipment and protective systems intended for use in potentially explosive atmospheres (Recast)
- making available on the market of electrical equipment designed for use within certain voltage limits (Recast)

On **9 July**, IMCO adopted 7 out of the 9 draft reports from Mrs. Roithová (EPP) on the Commission's "NLF-package", aligning 9 product directives with the New Legislative Framework given in the "goods package", especially Decision 168/2008 on a common framework for the marketing of products. The aim is to keep a strict alignment and not open up for further revisions of the product directives concerned. Around 500 AMs were tabled for all nine reports, and the amendments adopted focus on the clarification of contact-info (address or website - language), obligation to, upon request, provide a copy of the (translated) documentation in paper form or electronically to market surveillance authorities, requirements for products in stock and obligations in regard to distance selling. Further to this, the possibility of using an accredited in-house conformity assessment body is introduced to all products directives. Two reports are still pending, as the formal procedure for recast proposals is not yet finalised, due to objections in the Council concerning the keeping of comitology provisions.

RAPPOREUR: [Zuzana Roithová \(EPP\)](#)

Alternative and Online Dispute Resolution



On **9 July**, following an exchange of views on the 21 compromise amendments agreed between the groups, the Committee adopted its report on ADR with 34 votes in favour and one against. The main elements of the final report clarify the scope of the directive (leaving out complaints made by traders against consumers for Member States to decide), improve the accessibility of ADR procedures, assure independence of ADR entities, and add principles of liberty and legality to the proposed text. Following an agreement reached with JURI, part of its amendment to Article 6 (exclusive competence of the Legal Affairs Committee) was taken on board. Also on **9 July** IMCO adopted the report on the Online Dispute Resolution regulation (ODR) with 34 votes in favour and one against. It consists of 132 amendments, including a number of amendments coming from the JURI opinion of 21 June. The main changes of the report in comparison to the original Commission proposal are (i) the extension of the ODR platform to domestic cross border disputes; (ii) linking the platform to the Your Europe portal, (iii) strengthening the role of the European Consumer Centres, (iv) the widespread use of delegated acts and (v) increased guarantees in relation to multilingualism and data protection.

RAPPOREUR: (ADR): [L. Grech \(S&D\)](#) [Procedure File](#)
(ODR): [R. von Thun \(EPP\)](#) [Procedure File](#)

Presentation of the Council Presidency's programme by Minister of Commerce, Industry and Tourism - Competitiveness, Mr. Neoklis Sylikiotis



CYPRUS PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION

On **10 July**, Minister Sylikiotis stressed his country's enthusiastic support to the European project, hence the logo of the Presidency "for a better Europe". In the context of its Presidency, Cyprus will promote the adoption of measures proposed under the SMA I and the preparation of Council conclusions on the SMA II. With regard to specific files, the Minister referred to Public Procurement, Utilities and Concessions, Professional Qualifications, ADR and ODR, the 2014-20 Consumer Programme, the New Legislative Framework proposals, as well as Watercraft, indicating that for all of them the Presidency will strive to reach an agreement with the EP.

Members reserved a good hearing to the Minister and expressed satisfaction for the clarity of his stance with regard to the promotion of the completion of the Internal Market.

RAPPOREUR: [Cypriot Presidency Website](#)

Presentation of Conclusions of Working Group on E-Commerce (Pablo ARIAS ECHEVERRÍA)



On **10 July**, IMCO received a presentation of the main conclusions of the outcome of the second cycle of meetings of the E-Commerce Working Group.

On 31 August 2011, the Coordinators mandated Mr Pablo Arias Echeverria to continue with the coordination of the Working Group on E-Commerce. The Working Group acts as a strategic umbrella for e-Commerce and will build upon the work already carried out in its initial 4 meetings. A second cycle of meetings kicked off on 11th January 2012 on the day of the publication of the new Communication on E-commerce and online services entitled: "A coherent framework to build trust in the Digital single market for e-commerce and online services". This is based on the result of the consultation already carried out by IMCO.

A Notice to Members in EN, FR, DE, ES and IT, containing a summary of the main discussions in the Working Group meetings, was published at the beginning of September 2012. Mr Arias Echeverria, at the end of his presentation, expressed his wish for a renewal of the mandate for the Working Group to continue its work during a third cycle of meetings.

RAPPOREUR: [Pablo Arias Echeverría \(EPP\)](#) [Procedure File](#)

Award of concession contracts

On **6 September**, Philippe Juvin presented his draft report to IMCO Members, highlighting in particular the four objectives that underpin his work on a future new EU regime on concessions: to simplify, clarify and reorganise the Directive to ensure readability and consistency; to assert the specificity of concessions contracts compared to public procurement contracts; to guarantee the autonomy and freedom of public authorities to choose how they organise themselves and, to provide a sufficient degree of flexibility to public authorities in the procedures. His amendments focus notably on the definition and the calculation of the value of a concession, including clarifying the thresholds and the exclusions, and the review of the award procedures. Overall the Rapporteur emphasised the importance of achieving the right balance between flexibility and transparency, so as to ensure both effectiveness of the rules and the equal treatment of suppliers. The deadline for amendments is set for 3 October at 17.00.

RAPPORTEUR: [Philippe Juvin \(EPP\)](#) [Procedure File](#)

Consumer programme 2014-2020

On **6 September**, IMCO voted on the mandate for the negotiating team on the Consumer Programme in view of starting the negotiations with the Council. The adoption of Robert Rochefort's Report had already taken place on 21 June 2012 (24 votes in favour, 0 against and 1 abstention). The EP's negotiating team will be composed of the Chair, the Rapporteur and Shadow Rapporteurs. Given the nature of the Report and the fact that financial amounts can only be negotiated after the Multiannual Financial Framework negotiations are concluded, the Rapporteur proposed to start first with technical meetings at staff level, followed by a dialogue.

RAPPORTEUR: [Robert Rochefort \(ALDE\)](#) [Procedure File](#)

Establishment of an action programme for customs in the European Union for the period 2014-2020 (CUSTOMS) and repeal of Decision No 624/2007/EC

On **6 September**, the Commission's representative presented the amended proposal on Customs 2020 programme which contains a budgetary framework of EUR 548 080 000 for the period of 2014-2020. The scope of this proposal is specifically oriented towards the functioning of the EU customs union, in particular through cooperation between participating countries, their customs authorities, other competent authorities, their officials and external experts. Rapporteur and Shadows expressed their satisfaction on the fact that the Commission took into account EP's request to split the previous proposal on FISCUS programme into Customs and Fiscalis programmes.

RAPPORTEUR: [Raffaële Baldassarre \(EPP\)](#) [Procedure File](#)

Public procurement

On **18 September**, IMCO discussed the amendments tabled to the draft legislative report on Public Procurement reform (Rapporteur: M. Tarabella). More than 2.500 amendments were received (1593 for the classic directive, 1.004 for the utilities directive). Key issues for compromise discussions in the coming weeks relate to the use of strategic criteria (green, social) when awarding the most economically advantageous tender; rules on sub-contracting and, on conditions for cooperation between public authorities. Furthermore, the parliamentary time-table for the file has been extended. Thus the vote in IMCO will now take place on 29 November (Classic directive) and on 18 December (Utilities directive). The next public consideration of amendments in Committee is scheduled for 5 November.

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

FROM THE COURT OF JUSTICE



Judgment of the Court of 5 July 2012. Content Services Ltd v Bundesarbeitskammer. Case C-49/11.

In a judgment delivered on 5 July 2012, the ECJ ruled that Article 5(1) of Directive 97/7/EC on the protection of consumers in respect of distance contracts must be interpreted as meaning that a business practice consisting of making the information referred to in that provision accessible to the consumer only via a hyperlink on a website of the undertaking concerned does not meet the requirements of that provision, since that information is neither 'given' by that undertaking nor 'received' by the consumer, within the meaning of that provision, and a website such as that at issue in the main proceedings cannot be regarded as a 'durable medium' within the meaning of Article 5(1)

LINK: [Case C-49/11](#)

Judgment of the Court of 12 July 2012. Südzucker AG (C-608/10), WEGO Landwirtschaftliche Schlachtstellen GmbH (C-10/11) and Fleischkontor Moksel GmbH (C-23/11) v Hauptzollamt Hamburg-Jonas.

In a judgment delivered on 12 July 2012, the ECJ ruled that Article 78(1) and (3) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code must be interpreted as allowing a post-clearance revision of the export declaration for the purpose of refunds, in order to change the name of the exporter featuring in the box provided for that purpose, and as meaning that the customs authorities are required: firstly, to examine whether a revision of that declaration must be considered to be possible in that, in particular, the objectives of the European Union legislation as regards export refunds have not been threatened and the goods in question have in fact been exported, this being a matter for the applicant to establish, as well as ; secondly, where relevant, to take the measures necessary to regularise the situation, taking account of the new information available to them.

LINK: [Case C-608/10, C-10/11 and C-23/11](#)

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