



# Newsletter

Issue 40- March 2013

## AT A GLANCE

This issue addresses the items on the agenda of the **next committee meetings on 20-21 March and 11 April 2013**. Amongst others, on 20 March IMCO will hold a Public Hearing on Simplifying the transfer of motor vehicles registered in another Member State within the Single Market. Moreover, the Committee will also consider the draft report on Online gambling in the internal market and hold an exchange of views with Commissioner Algirdas Šemeta. The following day IMCO will vote on the opinion on Clinical trials on medicinal products, and repeal of Directive 2001/20/EC. It will also discuss the draft opinion on a Common European Sales Law. On 11 April, another vote will take place, namely on the Commission report on Improving access to justice: legal aid in cross-border civil and commercial disputes. The full Agenda of the next meetings is available on [IMCO's webpage](#).

This edition also reports from **the last committee meetings of 20-21 February and 4 March 2013**. Amongst other, IMCO received Commissioner Barnier and Commissioner Reding for an exchange of views within its annual structured dialogue and held a Public Hearing on the report of "The internal market for services: state of play and next steps". IMCO also adopted the opinion on "Enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provisions of services". Furthermore, IMCO considered the amendments on the opinions on "Key information documents for investment products and Insurance mediation" (recast). In addition, an exchange of views with Commission representatives was held on the report on "Harmonisation of the laws of the Member States relating to the making available on the market of radio equipment".

## SELECTED FILES:

### IMCO SUCCESS IN DEALING WITH EXPERTS GROUPS

In October 2010 European Parliament and European Commission signed a Framework Agreement to improve and facilitate their cooperation. One of the major highlights of the agreement was granting European Parliament access to the Commission expert group meetings.

In practical terms it means that when the Commission holds meetings with national experts in the framework of preparation and implementation of Union legislation, including soft law and delegated acts, the European Parliament has to be fully informed of such meetings, be provided with full documentation and more importantly can also request attendance at those meetings.

Since 2011 IMCO Committee Secretariat staff members in their capacity as observers have attended over 60 expert group meetings in the areas of public procurement, implementation of services directive, mutual recognition of professional qualifications, e-commerce, product safety, customs etc. The information received and contacts established at those meetings are invaluable for the considerations of legislative dossiers as well as for strengthening the overall knowledge and expertise in the respective areas. Moreover, in the following months two delegated acts will be developed in the area of construction products and IMCO Committee will be well prepared for the close involvement in the process.



## IMCO AND THE EUROPEAN CONSUMER POLICY

The response to the new Consumer Agenda which was published on 22 May 2012 is being prepared with an IMCO report with MEP Vicente Garcés Ramon (S&D) as rapporteur. The next step is a discussion of possible compromise amendments on 20th March, followed by the vote in IMCO on 24 April and then the resolution based on this report to be voted in plenary in May 2013. The rapporteur calls for a concerted effort to reach a Consumer agenda which is agreed by all, based on the 213 amendments submitted to the draft report. Divergent views prevail on the approach to be adopted to offer protection to consumers. On one hand, it is felt that the best protection offered is providing the consumer with information to empower him/her. This could be done by promoting internet portals for more awareness such as Your-Europe. Consumer safety and security is paramount, but these should not create obstacles to trade. On the other hand, others felt that without the adequate tools such as proper enforcement, redress (including collective redress) and a sound financing of consumer organisations, to ensure that they build their capacity to defend consumers' rights, simply informing the consumers would not be sufficient.

**RAPPORTEUR:** [Vicente Miguel Garcés Ramón \(S&D\)](#)

[Procedure file](#)

#### About the editor:

European Parliament  
Directorate General for Internal Policies of the Union  
Internal Market and Consumer Protection Committee  
Head of Unit / Editor: Panos Konstantopoulos  
Responsible Administrators: Joanna Apap and Elena Mainardi  
Layout: Ludwig Saliba and Malin Slaen Nordby

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# NEXT COMMITTEE MEETING (20-21 MARCH AND 11 APRIL 2013)

[Watch the committee meeting live](#)

[Agenda and meeting documents](#)

## Online gambling in the internal market

On **20 March**, IMCO Committee will consider the draft report of Mr. Ashley Fox (ECR) on online gambling, issued in response to the Commission's Communication towards a comprehensive European framework for online gambling. Mr Fox' Report addresses the issues raised in the Communication particularly in terms of policy making, by structuring his Report around four axes: administrative cooperation, consumer protection, money laundering and sports integrity. The debate at Committee is most likely to focus on the form and content that possible cooperation amongst Member States' regulators may take in order to strike a balance between the facilitation of cross border supply of gambling services on one hand and consumer protection on the other. Deadline for amendment is set for 4 April.



**RAPporteur** [Ashley Fox \(ECR Group\)](#) [Procedure File](#)

## Exchange of views in the framework of structural dialogue with Commissioner Semeta

On **20 March**, IMCO will receive Commissioner Semeta to discuss the progress of the Commission Work Programme and the upcoming initiatives in its areas of competence. Particular attention is expected to be paid to the legislative files (Union Customs Code recast and Customs programme 2014-2020) as well as to priority actions/projects for 2013 (including Action Programme on IPRs, Communication on Risk Management, VAT) and possible future reform on the governance of the customs union (i.e. what will the functioning structure and governance of the Customs Union look like in 2020). As part of the annual structured dialogue exercise, between the Parliament and the Commission, this will be an opportunity for IMCO Members to highlight the issues they see as priorities for the coming year.

**LINK:** [DG Taxation, Customs, Statistics, Audit and Anti - Fraud](#)

## Clinical trials on medicinal products for human use, and repeal of Directive 2001/20/EC

On **21 March**, IMCO will vote on the draft opinion of Mr. Buşoi on clinical trials on medicinal products for human use. The aim is to boost clinical research in Europe by simplifying the rules for conducting clinical trials. 170 amendments have been submitted to the draft opinion in addition to the Rapporteur's own initial 32 amendments. The Rapporteur and shadow Rapporteurs support the general approach of a single submission portal managed by the Commission and the setting of tight and tailored timelines for assessment reports and authorisation decisions on the clinical trials. They are now discussing with a view to reaching compromise amendments before the vote, focusing on key issues such as definitions, procedures, ethical aspects, vulnerable persons and transparency

**RAPporteur:** [Glenis Willmot \(S&D\)](#) [Procedure File](#)

## Common European Sales Law



On **21 March**, IMCO will consider the CESL draft opinion. The opinion consists of two parts. The first document contains amendments supported by both Ms Gebhardt and Mr Mayer and aiming at ensuring more clarity in terminology used in the Regulation. It also includes explanations to amendments tabled by the two co-Rapporteurs separately. The second document consists of these additional amendments, which on Ms Gebhardt's side - reject the optional character of CESL and limit the proposal to harmonising additional contract law provisions at European level, especially with regard to the digital content, and on Mr Mayer's side - support the idea of an optional instrument, address the balance between the consumers' and traders' rights, and - more specifically - suggest limiting the various contract parties' names to 'buyer' and 'seller'.

**Co-RAPporteurs:** [Klaus-Heiner Lehne \(EPP\)](#) [Luigi Berlinguer\(S&D\)](#) [Procedure File](#)

## Improving access to justice: legal aid in cross-border and commercial disputes

On **11 April**, IMCO will consider additional amendments following the presentation of Mr Mayer's (IMCO rapporteur) draft opinion on 21 February, before proceeding to a vote in April. Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, was to be applied by the end of November 2004. This Directive is the subject of an implementation report published by the European Commission on 23 February 2012. The draft opinion acknowledged the unsatisfactory situation especially concerning the knowledge about cross-border legal aid, and suggests a number of specific actions to remedy it. The Rapporteur proposed inter alia to create a data base of qualified lawyers and to designate a central office in each Member State to receive and transmit applications.

**RAPporteur:** [Tadeusz Zwiefka \(EPP\)](#) [Procedure File](#)

## Insurance Mediation and KID

On **11 April**, the IMCO members will discuss the compromise amendments on the Consumer Package in Financial Services. This includes discussion on compromise amendments of the Insurance Mediation Directive revision (Rapporteur for IMCO opinion - Catherine Stihler) and the Key Information Document for Investment Products (Rapporteur for IMCO opinion - Pier Antonio Panzeri). The IMCO vote is scheduled for 25 April. The sharing of competence between IMCO and ECON has been decided pursuant to Rule 49 plus additional competences for IMCO in terms of enhanced informal cooperation between the Rapporteurs and participation of IMCO Rapporteur in the future dialogues. The position of the IMCO Rapporteurs on these proposals calls for more transparency of pre-contractual information for consumers.

**RAPporteur:** [Werner Langen \(EPP\)](#) [Procedure File](#)

# LAST COMMITTEE MEETING

## (20-21 FEBRUARY AND 4 MARCH 2013)

### Hearing: The Internal Market for services: State of Play and next Steps

On **20 February**, IMCO organised 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)0261). The hearing focused on two main elements namely, how to remove barriers and unleash growth in services and how to maximise the economic effects for consumers and businesses, keeping up with innovation. Stakeholders representing business, academia, consumers and trade unions provided input on a number of subjects and entered into a lively debate with Committee Members.

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

### Enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services

On **21 February**, IMCO adopted the draft Opinion with 20 votes in favour 15 against and 4 abstentions. The compromise on control measures (Article 9) was rejected and Article 12 on joint and several liability was deleted. Unsatisfied with the outcome of the vote, in particular with regard to Article 9, Rapporteur Emilie Turunen (Verts/ALE) requested her name to be taken out of the Opinion.

**RAPPORTEUR:** [Danuta Jazłowiecka \(EPP\)](#) [Procedure File](#)

### Harmonisation of the laws of the Member States relating to the making available on the market of radio equipment

On **21 February**, the Commission presented the impact assessment and proposal for a revised Directive aiming to improve the level of compliance with the Directive, as well as to introduce some simplifications and clarifications. In particular the issues of scope of the revised directive, interoperability of radio equipment with accessories, registration of non-compliant products, as well as alignment with New Legislative Framework have been emphasized. The members of the IMCO Committee were quite disturbed by the low levels of compliance with the Directive and stressed in particular the necessity to ensure consumer protection, accessibility for people with disabilities, interoperability with accessories as well as consistency with other directives applicable to radio equipment. They were also critical to the proposed registration system, as it might lead to additional administrative burdens with no demonstrated benefits.

**RAPPORTEUR:** [Barbara Weiler \(S&D\)](#) [Procedure file](#)

### Exchange of views in the framework of structural dialogue with Commissioner Reding

On **4 March**, Vice-President and Commissioner Reding addressed IMCO Committee members as part of the structural dialogue between DG JUST and IMCO. Mrs Reding tackled seven points of DG JUST's work programme which are of particular relevance to IMCO's remit: Consumer Protection; the proposed Data Protection Package; the Consumer Rights Directive; Digital Single Market and the Digital Agenda - including the proposed Common European Sales Law and the forthcoming Package travel directive: (due in Spring 2014); Unfair Commercial Practices; Misleading and Comparative Advertising Directive; and, Legal Aid in cross-border. Despite these measures put in place, consumers need to become more aware of their rights and Mrs Reding feels that an awareness-raising campaign is most necessary.

**LINK:** [DG Justice, Fundamental rights and Citizenship](#)

### Exchange of views with Mrs Jensen, general Rapporteur for Budget 2014

On **4 March**, Ms. Jensen, rapporteur on the Budget for 2014 in BUDG Committee, presented to IMCO Members her Report on the general guidelines for the preparation of the 2014 budget. Mr Schwab, EPP Coordinator in IMCO, also took the floor to express what he considers IMCO priorities. Amongst others, he underlined: the involvement of SMEs and other stakeholders in European standardisation, financing of SOLVIT and other Internal Market Governance tools, and continuation of the Single Market Forum. The Rapporteur for the IMCO Opinion is Ildikó Gáll-Pelcz (EPP).

**RAPPORTEUR:** [Ildikó Gáll-Pelcz \(EPP\)](#)

### Making the energy market work

On **4 March**, IMCO discussed the draft opinion on Making the internal energy market work. The rapporteur (António Fernando Correia de Campos, S&D) emphasized that the completion of internal market for energy cannot be completed without correct and timely implementation of the 3rd energy package. Swift transposition of the package, transparent access to the market, improvement of cross border trade, need for ruling out the subsidies have been mentioned as priority issues for the implementation of internal market in the field of energy by 2014.

**RAPPORTEUR:** [António F. C. de Campos \(S&D\)](#) [Procedure file](#)

## EVENT

### Public Hearing on Simplification of the transfer of motor vehicles registered in another Member State within the Single Market

IMCO is organizing a hearing on how to tackle motor vehicle registration problems, a typical example of bottlenecks referred to in the Europe 2020 Strategy for smart, sustainable and exclusive growth. The hearing will stress the importance of harmonizing, streamlining and simplifying the procedures for re-registration of motor vehicles previously registered in another Member State. This will consequently reduce the administrative burdens for all actors involved. The hearing will take place on **20 March (10.30-12.30)**, **room 6Q2** and will be followed by a draft report in May, to be voted in the Committee in October, 2013.

**RAPPORTEUR:** [Toine Manders \(ALDE\)](#) [Procedure file](#)



# UP-DATE ON IMCO TRILOGUES

## Union Customs Code

At their technical meetings of 28 February and 7 March the three Institutions tried to find possible compromises in the items already discussed at the 1st Triologue of 27 February. These compromises will then be endorsed at political level during the 2nd Triologue of 19 March. At this 2nd Triologue, the following new main items will be tackled: customs representation; provisions on customs value in the Basic Act; additional guarantee waivers; pre-arrival declarations for safety and security purposes; centralised clearance, entry declarant's records; goods brought out of the Customs territory of the Union; customs decisions. A possible compromise agreement might also be envisaged on the 160 provisions related to DA and IA during this Triologue of 19 March.

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

## Concessions

The first Triologue meeting on the award of concession contracts took place on 12 March 2013. The issues discussed included a debate on concession-specific terminology, the principle of transparency, exclusive rights, the definition of the risk, thresholds, the calculation of the duration of concessions and social and other specific services. While some progress was made on exclusive rights, transparency and duration, some other issues were referred back to technical level for further discussions. The next Triologue is scheduled for 10 April, during which it is foreseen that governance and exclusions will be discussed.

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

## Amendment of Directive 2005/36/EC

Following the adoption of the mandate to enter first reading negotiations, Members will start to negotiate with the Council and the European Commission. The dates for the first Trialogues are set for 20 March and 24 April. The first Triologue is likely to cover horizontal issues such as partial access and tacit recognition. The second Triologue will deal with the sectorial professions benefitting automatic recognition.

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

## Public Procurement



The first Triologue meeting on the Modernisation of Public Procurement took place on 6 March. Considerable progress was reached on the following issues: mandatory transposition of procurement procedures, time-limits within those procedures, the competitive dialogue, the innovation partnership and the framework agreement. The Commission was asked to draft a new compromise proposal on the package related to the European Procurement Passport, self-declaration, e-Certis and certificates. The next Triologue is scheduled for 26 March, in Brussels, and will deal with the strategic use of public procurement (i.e. green, social and innovative procurement).

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

## NLF alignment package

The NLF alignment package consists of 9 directives that are being aligned to the New Legislative Framework. The next Triologue is planned for 19 March at which the EP negotiating team hopes to reach agreement with the Council on all horizontal issues, namely on issues related to the reasonably foreseeable use of products and the possibility to use accredited in-house bodies, as well as full agreement on the pyrotechnic directive. The EP negotiating team aims at reaching full agreement on the rest of the package on a final Triologue foreseen for early May and as such finish the negotiations during the Irish Presidency of the Council.

**RAPPORTEUR:** [Zuzana Roithová \(EPP\)](#) [Link IMCO website](#)

# FROM THE COMMISSION

## A package of new enforcement rules for the internal market for goods

The European Commission proposed on 13 February 2013 a new enforcement rules package for the internal market for goods. It will help cross-national cooperation between national market surveillance authorities and reduce administrative burden for economic operators, especially SMEs. To facilitate cooperation between all supply chain actors, including market surveillance authorities, economic operators and consumers, the Commission will introduce greater resource-sharing, better coordination and IT tools. Uniform and simple rules and better access to information will provide improved protection for consumers and other users, more uniform trading conditions for economic operators and reduced administrative burdens. This is particularly important in the context of the economic crisis and responds to the need to make the internal market for goods more efficient and competitive. The new package introduces several important changes such as an alignment of general market surveillance and consumer safety rules and a clarification of their interaction to avoid gaps and undue overlaps. Moreover, manufacturers, importers and distributors will have clearer responsibilities when they sell consumer products. Finally, better traceability of consumer products in the supply chain will enable a swift and effective response to safety problems (e.g. recalls) and a single set of coherent rules will lay down more collaborative, joined-up system of market surveillance.

**LINK:** [A PACKAGE OF NEW ENFORCEMENT RULES FOR THE INTERNAL MARKET FOR GOODS](#)

## Internal Market scoreboard NO 26

The Internal Market Scoreboard, first published in November 1997, celebrates its 15th anniversary with encouraging results. According to its edition No 26 of 19 February 2013, Member States have performed better than ever in transposing EU rules into national law on time, despite the challenging times. The average EU transposition deficit has decreased to a record new level of 0.6%, Member States have succeeded in reducing the total number of incorrectly transposed directives, and the number of infringements is also continuing to decrease. However, stronger efforts are necessary, not only to keep the current pace of progress but to achieve better results in areas where indicators still reveal negative trends, such as transposition delays. The Commission and the team behind the Internal Market Scoreboard therefore deserve warm congratulations on completing 15 years of service to improving the implementation of the Single Market rules. We encourage the Member States to improve on their track record in the future!

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**Closure date of the current issue: 18 March 2013**

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