



INTERNAL MARKET AND CONSUMER PROTECTION

IMCO

Newsletter

Issue 42- May 2013

AT A GLANCE

This issue addresses the items on the agenda of the **next committee meeting on 29-30 May 2013**. Amongst others, on 29 May IMCO will consider the compromise amendments in regards to the file "Online gambling in the internal market" and hold a hearing on Consumer product safety and Market surveillance of products. The day after, the committee will vote on the draft report on "Online gambling in the European market", consider the amendments on the "Common European Sales Law" and hold a Hearing with Commissioner Neelie Kroes, responsible for the Digital Agenda. In addition, **on 4 June 2013** IMCO will hold a **Hearing of the Croatian Commissioner-designate**, Mr Neven Mimica. The full Agenda of the next meetings are available on [IMCO's webpage](#).

This edition also reports, from the **last committee meetings of 24-25 April and 7 May 2013**. Amongst others, IMCO voted on the draft report on "A new agenda for European Consumer Policy" and on the draft opinion on "Key information documents for investment products". IMCO also held a Hearing on the Accessibility of public sector bodies' websites and considered the draft opinions on "In vitro diagnostic medical devices" and "Approximation of the laws, regulations and administrative provisions in the Member States concerning the manufacture, presentation and sale of tobacco and related products". In addition, the committee held two exchanges of views. The first with Commissioner Tonio Borg, responsible for Health and Consumer Policy and the second with Commissioner Antonio Tajani, responsible for Industry and Entrepreneurship.

SELECTED FILES: IMCO CYBER SECURITY STRATEGY

As follow up to the Commission's Communication on Cybersecurity Strategy of the European Union: an open, safe and secure cyberspace, the European Parliament is to present its view in an upcoming resolution tabled by Andreas Schwab and Malcolm Harbour on behalf of IMCO, which attaches utmost importance to the need for levelling out the differences between the Members States and the relevant sectors. It deals with the fragmentation and lack of legal certainty pointing out a lack of harmonised approach to cybersecurity in the EU. As a result, many network and information security incidents transcend national borders and have the potential to undermine the functioning of the internal market. The vote in IMCO has been scheduled for July, while the vote in plenary is expected in September.



PROPOSAL FOR A DIRECTIVE TO ENSURE A HIGH LEVEL OF NETWORK AND INFORMATION SECURITY ACROSS THE UNION

In February 2013, the Commission published a proposal concerning measures to ensure a high common level of network and information security across the Union. Despite the initiatives undertaken, the Member States have very different levels of capabilities and preparedness, leading to fragmented approaches across the EU. As a result, there is cooperation only among a minority of Member States with a high level of capabilities. This may result in uncoordinated regulatory interventions, incoherent strategies and divergent standards, leading to insufficient protection against network and information security across the EU. Internal Market barriers may also arise, generating compliance costs for companies operating in more than one Member State. The vote in the IMCO committee has been scheduled for late autumn.

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

[Procedure file](#)

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NEXT COMMITTEE MEETINGS

(29 - 30 MAY AND 4 JUNE 2013)

[Watch the committee meeting live](#)

[Agenda and meeting documents](#)

Online gambling in the internal market

On **29 May**, IMCO Members will consider the compromise amendments on the draft report of Mr Fox on online gambling in the internal market, while the vote for the adoption of the IMCO report will take place the following day, that is 30 May. Rapporteur and Shadows have been working in close and good cooperation in order to reach compromises that would cover the larger part of the 425 amendments tabled for this highly controversial subject. Once adopted, this will be the third own initiative report on online gambling, following the Schaldemose and the Creutzmann reports in 2009 and 2011 respectively. The particular importance with the Fox report lies with the fact that it will express the views of the European Parliament at a stage where the European Commission has already announced and started implementing a concrete action plan in the field, on the basis of its Communication Towards a Comprehensive European Framework.

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

In vitro diagnostic medical devices

On **29 May**, IMCO will consider 125 amendments tabled to the draft opinion on medical devices and 66 amendments tabled to the draft opinion on in vitro diagnostic medical devices. The amendments to the former draft opinion focus on definitions, information provided in the implant card, access to data, opinions of Medical Device Coordination Group and mechanisms for scrutiny of certain conformity assessments. Numerous amendments have also been tabled on the implementing and delegated powers to be conferred to the Commission. With regard to the draft opinion on in vitro diagnostic medical devices Members have submitted amendments proposing changes to definitions, devices classified as class D and access to data.

RAPPORTEUR: [Nora Berra \(EPP\)](#) [Procedure file](#)

Simplification of the transfer of motor vehicles registered in another Member State within the Single Market



On **29 May**, the draft report by Mr Toine Manders (ALDE) will be presented. In 2011, taking a car to another Member State was identified as one of the 20 main citizens' concerns related to the obstacles in the Single Market. Hence, the rapporteur in his report aims to reduce to minimum the formalities for re-registering a car in another EU country while ensuring closer cooperation among vehicle registration authorities. The rapporteur believes that citizens and businesses should be offered a choice between a national and a Union colour of a number plate so the plates could take uniform appearance, while the registration would remain national. For the rapporteur, technological progress and cost efficiency are of utmost importance. Hence, exchange of information on vehicle registration data would be conducted via an already existing system EUCARIS – the European CAR and driving license information system.

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

Common European Sales Law



On **30 May**, IMCO will consider the amendments on the CESL draft opinion. IMCO is preparing an opinion under enhanced cooperation with JURI. Following a Public Hearing and additional verification of the European Commission's impact assessment, a draft opinion by Mr Mayer and Ms Gebhardt was presented on 21 March. In addition to their 338 amendments (some of which were co-signed by the two co-Rapporteurs) another 179 amendments were tabled later by Members, ranging from the rejection of the original proposal or modifying the CESL Regulation into an act complementing the Consumer Rights Directive, to restriction of its scope to distance contracts, improving the regulation of sales guarantees, adding new provisions to increase consumer protection, and requesting the preparation of standard terms and conditions (model contracts) for B2C transactions.

Co-RAPPORTEURS : [Evelyne Gebhardt \(S&D\)](#)
[Hans-Peter Mayer \(EPP\)](#) [Procedure File](#)

Approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products

On **30 May**, IMCO will consider 427 amendments tabled to this draft opinion. The amendments in particular focus on additives and other ingredients, as well as characterising flavours (e.g. menthol). Many amendments have been submitted with regard to Article 9 on combined health warnings for tobacco for smoking (including the size and the position of the health warnings). Moreover, Members have tabled amendments on cross border on-line sales, tobacco for oral use, tracking and tracing, as well as on slim cigarettes. Numerous amendments have also been tabled with regard to the powers to be conferred to the Commission.

RAPPORTEUR: [Małgorzata Handzlik \(EPP\)](#) [Procedure file](#)

Hearing of the Croatian Commissioner-designate, Mr Neven Mimica

On **4 June**, IMCO will organise a three hour Hearing of the Croatian Commissioner-designate for consumer protection, Mr Neven Mimica. In the light of the importance attached by IMCO to strong consumer policies, the Hearing will be an opportunity for Members to assess Mr Mimica's competence for the post of Croatia's first Commissioner before he can take up his position on 1 July, the day on which Croatia will join the EU. The Parliament in full house is set to vote on the nomination of Mr Mimica during the June plenary session in Strasbourg.

LAST COMMITTEE MEETING

(24-25 APRIL AND 7 MAY 2013)

Structural dialogue with Commissioner Borg



On **24 April**, IMCO received Commissioner Tonio Borg for an exchange of views on the Commission's work programme and upcoming initiatives in the area of consumer policy. With regard to consumer safety, the Commissioner referred to the recently presented Product Safety and Market Surveillance Package, which includes a revision of the legislative framework and an accompanying multi-annual action plan for the surveillance of products and, among the remaining priorities, to the safety of services where the Commission plans initiatives in selected sectors. Commissioner Borg stressed the importance of enforcement of consumer rights, and among the priorities in that area listed the review of the Consumer Protection Cooperation Regulation to be carried out by the end of 2014, the implementation of the new legislation on ADR and ODR, and the initiative he is preparing together with Vice President Reding on collective redress. Finally, Commissioner Borg confirmed that, together with Commissioner Barnier, he is finalising an initiative on the access to basic banking services, and announced a report on the assessment of the transposition of the Consumer Credit Directive that would be presented before the end of this year. The Commissioner concluded by calling on Members to join forces in advancing support to consumers within the MFF 2014-2020.

LINK: [DG Health and Consumer Policy](#)

Structural dialogue with Commissioner Tajani

On **24 April**, Commissioner Tajani gave a presentation on the main areas of participation between his DG and the IMCO Committee. The Commission has published the Product Safety and Market Surveillance Package that aims at ensuring that products are safe throughout the EU. Mr Tajani was happy to inform IMCO that the main points of the report by Ms Schaldemose on product safety have been taken into account in the package. He also informed IMCO about initiatives ensuring the continued agreement on a common charger for different brands of mobile phones and to find a harmonised approach to the interoperability of charging batteries for electric cars. The transposition of the Late Payments Directive was also discussed with the Members.

LINK: [DG Enterprise and Industry](#)

Adoption of the draft opinion on Insurance mediation and KID

On **25 April**, IMCO adopted its opinions on the legislative proposals of the European Commission DG MARKT for revision of the Insurance Mediation Directive and the Regulation on Key Information Documents for Investment Products. The members of the Committee expressed their full support for Mr Panzeri and Ms Stihler from S&D to present their views in the forthcoming discussions with ECON on both files. Following the decision of the Conference of Presidents, the IMCO Rapporteurs on both files shall be involved in the ECON shadows meetings, discussions with stakeholders and informal trilogues. The ECON vote is scheduled for 17 June 2013 and vote in plenary is scheduled for 1 July 2013.

RAPPORTEUR IN. MED.: [Catherine Stihler \(S&D\)](#) [Procedure File](#)
RAPPORTEUR KID: [Pier Antonio Anzeri \(S&D\)](#) [Procedure file](#)

Adoption of the draft report on "A New agenda for European Consumer Policy"

On **25 April**, IMCO adopted the INI draft Report "A new agenda for European Consumer Policy" (Rapporteur: Vicente Garcés Ramón, S&D) with 34 votes in favour, 2 against and no abstentions. All the 19 compromise amendments were adopted. 9 oral amendments were tabled by the Rapporteur to insert titles to structure the report, 4 were rejected mainly as these would have given too much importance to certain controversial subject matters. The main themes of the report include, amongst others: educating consumers and enterprises, e-commerce and consumers with disabilities, financial services, mortgage, economic crisis, protection of vulnerable groups, passengers' rights, representation of consumers in management boards, ADR and ODR, collective redress, and sustainable consumption and competitive prices.

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

Consideration of the draft Report on the Internal Market for Services: state of play

On **25 April** IMCO discussed the draft report on "the Internal Market for services: state of play". The draft focuses on the untapped potential for growth and jobs in the services sector and urges Member States to ensure the single market works effectively for businesses and consumers alike. The rapporteur calls on Member States to ease overly onerous requirements and to remove double regulatory burdens in the area of cross-border service provision. Finally, the rapporteur looks at the necessary steps to promote better enforcement - welcoming the Commission's "zero tolerance" policy on infringements to the Directive - and proposes a number of concrete measures to strengthen transparency and accountability. The deadline for amendments was set for 7 May. The vote on the report is set for 17/18 June.

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

Accessibility of public sector bodies website



On **7 May**, IMCO held a second exchange of views on the Commission's proposal for a directive on the accessibility of public sector bodies' websites. Despite Member States' political commitment to web accessibility, only one third of Europe's 761,000 public sector websites are fully accessible today. Suppliers of accessibility technology face a wide variety of diverging national specifications, leading to market fragmentation and uncertainty. The proposal introduces mandatory EU standardised accessibility features for 12 types of essential public services and clarifies what web-accessibility means. The Rapporteur highlighted 5 main ways of strengthening the proposal. He proposed to: (1) broaden the scope of the directive to cover all websites related to "services of general interest", starting with a gradual approach, for websites of the highest relevance to people with disabilities, until all public sector websites are accessible by 2020; (2) strengthen a number of definitions in the text; (3) strengthen the definition of accessibility requirements (Article 3 of the draft directive); (4) strengthen the monitoring obligations, including associations representing people with disabilities; (5) assess the suitability of using delegated acts to amend Article 3 on accessibility requirements. The draft report will be considered on 17-18 June 2013.

RAPPORTEUR: [Jorgo Chatzimarkakis \(ALDE\)](#) [Procedure file](#)

UP-DATE ON IMCO TRILOGUES

Public Procurement - Concessions

A joint Public Procurement - Concessions triologue was organised on 6 May 2013 during which controversial issues were discussed such as public-public cooperation, subcontracting, reserved contracts, as well as the issue of multi-purpose affiliated undertakings, which is a concession-specific issue. Marc Tarabella, Rapporteur for Public Procurement, welcomed the Presidency's willingness to conclude the file before mid-June 2013 and readiness to take on board Parliament's position on a number of issues, including public-public cooperation. The difficult issue of the water sector in the concessions file was also tackled; Philippe Juvin, Rapporteur for Concessions, acknowledged the intention of all institutions to find an agreeable solution to this political problem.

RAPPORTEUR PUB. PROC.: [Marc Tarabella \(S&D\)](#) [Procedure file](#)
RAPPORTEUR CONC.: [Philippe Juvin \(EPP\)](#) [Procedure file](#)

The NLF alignment package

The EP Negotiating team came to an agreement with the Council on an informal triologue on 19 March and the agreement was confirmed by vote in the IMCO Committee on 11 April. The outcome of the informal triologue was adopted by the Plenary on 22 May. The EP negotiating team is preparing a final triologue for 5 June and hopes to reach an agreement on the remaining 8 directives of the package.

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

Professional qualification and regulation on administrative cooperation through the Internal Market Information System

The second triologue took place on 24 April. Good progress was made with regard to the Common Training Framework. The EP and Council discussed a working method with regard to delegated and implementing acts. An exchange of views took place on the inclusion of the profession of notaries in the Directive. The next triologue meetings are scheduled for 29 May and 13 June.

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

UCC recast

Following the 4th Triologue of 23 April 2013 the co-legislators reached an agreement on file. On 23 May 2013 the Council endorsed at Coreper level the negotiated text that will then need to be voted in Committee on 29 May, paving the way for a plenary vote in September. The agreement on the UCC recast is the result of huge efforts from the three Institutions to reach a balance compromise text acceptable by all parties. The EP could be proud of this achievement as it managed to bring EU customs legislation into the 21st century.

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

Customs enforcement of IPRs

Following the first reading position adopted by the EP on 3 July, IMCO reached an agreement on the file with Council on 19 December 2012. The negotiated text was then endorsed by IMCO at its meeting of 24 January 2013. On 16 May 2013 the Council's "negotiated position" was adopted and announced at the May Plenary, thus opening the 2nd reading procedure. On 30 May IMCO is to adopt its recommendation for 2nd reading for the Plenary of June.

RAPPORTEUR: [Jürgen Creutzmann](#) [Procedure file](#)

Customs programme 2014-2020

Following the IMCO vote on the mandate to start the negotiations with the Council on the Customs programme 2014-2020 (Rapporteur: Mr Raffaele Baldassarre) on 24 January 2013, a 1st technical meeting will take place on 3 June and the 1st Triologue on 12 June. Main items on the file to be discussed at the meetings would include: objectives of the programme (recitals 2 and 2a; articles 5, 5a, 6); evaluation indicators (recital 7b, Articles 16, 17(4a), 17(4b)); type of joint actions (articles 7(1) point h); empowerment (recital 13, 13a, 15; articles 8(4), 14, 15) budgetary issues (recital 7a, Articles 11, 12(3), 12(3a), Annex (-I)); and equipment funding (recitals 4 and 6a; articles 7(1) point da)

RAPPORTEUR: [Raffaele Baldassarre \(EPP\)](#) [Procedure file](#)

REPORT ON DELEGATION TO LITHUANIA

In view of the forthcoming Lithuanian Presidency of the Council of the European Union a delegation of the IMCO Committee (led by the Chairman Malcolm Harbour (ECR, UK)) visited Vilnius, Lithuania on **29-30 April 2013**. The main objective of the visit was to discuss the main priorities of the future Presidency, especially in the areas of internal market and consumer protection. The intensive programme contained the meetings with the President of the Republic of Lithuania, Minister of Economy, Minister of Justice, Members of Seimas (Parliament of Lithuania), business representatives, trade unions, as well as State Consumer Rights Protection Authority and representatives of the Lithuanian Consumer organisations alliance. Also a visit to Visoriai Information Technology Park was organised.

EVENTS

Hearing Product safety and Market Surveillance Package

The date of the Hearing on Product Safety and Market Surveillance that was originally foreseen for 18 June has been moved to **29 May** to allow for the points made during the hearing to be taken into account by the Rapporteurs in drafting the reports. The Members and key stakeholders will be able to discuss how to meet the challenges of ensuring safe products on a fair market in EU.

Hearing on High common level of network and information security across the Union

On **18 June** IMCO will be holding a Hearing entitled network and information security - taking a holistic view. In two sessions: cross-border and cross-sectoral aspects of network and information security and common understanding of cybersecurity as a means for building confidence and trust in the single market, the speakers will focus on discussing the issues relevant to the upcoming IMCO report.

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Closure date of the current issue: 28 May 2013

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