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NOTE

from: General Secretariat of the Council
to: Delegations

Subject: Partial summary record of the meeting of the European Parliament
Committee on the Internal Market and Consumer Protection (IMCO),
Brussels, 23-24 February 2015

- **IMCO had a constructive exchange of views with Commission First Vice-President Timmermans, addressing in particular Better Regulation, the Regulatory Fitness and Performance Programme (REFIT), the implementation of EU law by Member States, the digital market and product safety issues.**
- **IMCO discussed for the first time the draft reports "personal protective equipment" and "appliances burning gaseous fuels", both reports being broadly welcomed.**
- **IMCO also discussed a number of draft opinions, with no major divergences between the political groups except for the single-member private limited liability companies dossier.**

The meeting was chaired by Ms FORD (ECR, UK).

1. **Protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure**

- Rapporteur for the opinion: Lara COMI (EPP, IT)
- Responsible: JURI - Constance LE GRIP (EPP, FR)
- Consideration of amendments

The rapporteur said that work could now start on the basis of the numerous tabled amendments, stressing that the aim was a minimum harmonisation of the protection of trade secrets. She believed that the safeguarding of basic rights and the question of objective liability vs. guilt/misconduct would be the most sensitive issues. The ECR shadow rapporteur (Ms McCLARKIN (UK)) recalled that value of investment should be protected notably by avoiding unduly restrictive definitions. She also believed that sufficient time should be given to applicants to present evidence. ALDE shadow rapporteur Ms KALLAS (EE) countered this by saying that unnecessary delays should be avoided. She was also in favour of harmonising definitions and curbing administrative burdens. The Greens/EFA shadow rapporteur, Mr DURAND (FR), felt that there was a general misunderstanding of the proposal, which should in fact primarily aim at protecting SMEs instead of trading in environmental and social norms for competitiveness considerations. Therefore, clear definitions and maximum transparency should be the objectives. The rapporteur agreed with the overall objective of protecting SMEs.

The committee will consider the compromise amendments at its meeting on 16/17 March before voting on the opinion on 24 March.

2. **The review of the economic governance framework: stocktaking and challenges**

- Rapporteur for the opinion: Ildikó GÁLL-PELCZ (EPP, HU)
- Responsible: ECON - Pervenche BERÈS (S&D, FR)
- Consideration of amendments

As the rapporteur could not be present at the meeting, Mr LÓPEZ-ISTÚRIZ WHITE (EPP, ES) presented on her behalf some of her general thoughts, stressing that most of the amendments tabled were acceptable and that the opinion should focus on the deepening and improvement of the single market, in particular in key economic growth areas. The ECR (the Chair) and the ALDE (Ms TØRNÆS (DK), replaced by Mr GUOGA (LT)) shadow rapporteurs supported the focus of the draft opinion on the implementation of the single market. The Chair suggested involving national parliaments further. The ALDE shadow rapporteur highlighted the fact that Member States did not sufficiently follow the country-specific recommendations, yet the Chair was opposed to the idea that the payment of EU funds would depend on these recommendations being followed. The Greens/EFA shadow rapporteur (Mr DURAND) added that there was no proof that following the recommendations would be successful. He believed that emphasis should be put on future-oriented sectors.

The committee will vote on the opinion at its meeting on 16/17 March.

3. European Energy Security Strategy

- Rapporteur for the opinion: Filiz HYUSMENOVA (ALDE, BG)
- Responsible: ITRE - Algirdas SAUDARGAS (EPP, LT)
- Consideration of amendments

The rapporteur informed members that most of the tabled amendments were acceptable to her and recalled her intent to focus the opinion on IMCO matters. The EPP, S&D, ECR and Greens/EFA shadow rapporteurs (Mr LÓPEZ-ISTÚRIZ WHITE, Mr NILSSON (SE), Ms VAN BOSSUYT (BE) and Mr DURAND respectively) welcomed the draft opinion and presented some of their amendments relating mainly to energy security, energy islands, interconnectivity, the right to choose the supplier, reduction of energy use and energy efficiency. All shadow rapporteurs explicitly supported the idea of an energy union. Ms KALLAS added that the consequence of such a union on consumer and retail prices should also be further highlighted. Mr DALTON (ECR, UK) recalled that, in the case of a TTIP, the US could export oil to Europe, which was not the case today. He also took the view that infrastructures needed incentives for investments and the Chair added that price fixing harmed investments.

The committee will consider the compromise amendments on 16 March and then vote on the opinion on 17 March.

4. **Exchange of views with Frans Timmermans, First Vice-President responsible for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights**

Vice-President TIMMERMANS focused in his opening statement on Better Regulation and outlined some of its cornerstones (easy implementation, priorities for and withdrawals of legislation, closer cooperation in scrutinising existing legislation and involvement of all stakeholders). The EPP, S&D, ECR and ALDE coordinators, as well as the individual speakers, largely shared the same view on this, though a number of S&D speakers expressed some concerns about its possible negative implications and called for safeguards to address them. VP TIMMERMANS assured members that Better Regulation would neither take away rights nor weaken any standards. There should be independent advice and a regular dialogue with stakeholders.

In this vein, some speakers from the S&D and ALDE groups referred to the Regulatory Fitness and Performance Programme (REFIT) and the need for a clear methodology and the broad involvement of stakeholders. They also stressed that the programme should not be misused to lower existing standards. Mr TIMMERMANS regretted the negative reputation of the programme and took the view that it would require a lot of political pressure to bring it forward. He had no ideological stance on the subject but argued that SMEs should be the main focus.

In reply to the concerns voiced by speakers of the EPP, S&D and ECR groups on the insufficient implementation of EU legislation by Member States, Mr TIMMERMANS made it clear that the current Commission was willing to use all the instruments at its disposal. He also supported, in principle, the idea of having an exchange with the Parliament on implementation issues reported by citizens or companies to MEPs.

Regarding the digital market subject, V-P TIMMERMANS agreed with the assessment made by several speakers from different groups that this was an essential economic topic for the future and that the fragmentation of that market needed to be tackled soon. One of the challenges would be to keep up with technological developments. On the product safety issue, Mr TIMMERMANS took note of the calls – notably on the part of S&D – to come forward with compromises, particularly for the "made in" issue. He said that the Commission was at the legislators' disposal for a practical solution.

The Greens/EFA, GUE/NGL and EFDD groups did not participate in the discussion.

5. Single-member private limited liability companies

- Rapporteur for the opinion: Marlene Mizzi (S&D, MT)
- Responsible: JURI - Luis de Grandes Pascual (EPP, ES)
- Consideration of draft opinion
- Deadline for tabling amendments: 4 March 2015

The rapporteur expressed her willingness to be constructive and suggested focussing on the overall objective of cross-border business. She considered that the Commission had failed to provide evidence about the positive consequences of its proposal, which contained several loopholes. Existing rules should not be undermined, nor should bad practices be encouraged. The Greens/EFA shadow rapporteur, Ms REDA (DE), also expressed doubts about the Commission proposal and supported the rapporteur. On the contrary, the EPP, ALDE and ECR shadow rapporteurs (Mr ŠTEFANEC (SK), Mr GUOGA and Ms FORD) confirmed their support for the Commission proposal, which helped the creation of new businesses by reducing administrative burdens. Individual speakers from the EPP and S&D groups, presented their arguments either in favour of the rapport (creation of business does not guarantee sustainable business, subsidiarity principle to be respected, Commission proposal in favour of big companies) or in favour of the Commission proposal (good practical experiences in some Member States, unjustified presumptions of illegal practices).

6. Personal protective equipment (IMCO/8/00401)

- Rapporteur: Vicky FORD (ECR, UK)
- Responsible: IMCO
- Consideration of draft report
- Deadline for tabling amendments: 3 March 2015

The rapporteur briefly presented her report, which aimed at making only the necessary technical clarifications since the system in place was working efficiently. The EPP shadow rapporteur, Mr ARIMONT (BE), said that most amendments presented by the rapporteur were acceptable but nonetheless he commented on a number of key issues of the report where he wished to amend it. The S&D shadow rapporteur (Ms WESTPHAL (DE)) could neither support the EPP nor the rapporteur since her view was that the Commission proposal was good and did not need all the changes suggested by the rapporteur. ALDE shadow rapporteur, Mr ROCHEFORT (FR), (replaced by Mr GUOGA) could support many of the amendments tabled by the rapporteur except those relating to the scope, the EC declaration of conformity and the validity time limit.

The committee will consider all amendments on 24 March.

7. Appliances burning gaseous fuels

- Rapporteur: Catherine STIHLER (S&D, UK)
- Responsible: IMCO
- Consideration of draft report
- Deadline for tabling amendments: 4 March 2015

The rapporteur explained the reasons behind the Commission proposal and presented her report, which aimed primarily at taking account of consumer protection concerns. The EPP, ECR and ALDE shadow rapporteurs (Mr BUȘOI (RO), Mr DALTON and Ms CHARANZOVÁ (CZ)) generally supported the draft report and commented on the very detailed provisions (carbon monoxide poisoning, EU declarations of conformity that also ought to cover fittings, services to be carried out by qualified persons). The Commission felt that the report was a real improvement and required only minor drafting changes. The rapporteur commented only on the carbon monoxide provisions, saying that her intention was to put pressure on Member States and the Commission.

8. **The implementation of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society**

- Rapporteur for the opinion: Catherine STIHLER (S&D, UK)
- Responsible: JURI - Julia REDA (Greens/EFA, DE)
- Consideration of draft opinion
- Deadline for tabling amendments: 25 February 2015

The rapporteur presented some elements of her draft opinion, putting special emphasis on cultural aspects. The EPP and ECR shadow rapporteurs (Ms PAUNOVA (BG) and Mr DALTON) welcomed the draft opinion, the first believing that this would be the right opportunity to ask the Commission to present a revised eCommerce directive, while the second said that the key issue was the territorial fragmentation and called for more flexibility for the availability of services. The ALDE shadow rapporteur, Mr GUOGA, also defended this point of view and wondered if sectoral rights would be a solution to this availability issue. The Greens/EFA shadow rapporteur, Ms REDA, agreed that geo-blocking was a major issue and therefore the EP should highlight the costs arising from this. This was countered by the two individual speakers (Ms ROZIERE (S&D, FR) and Ms VERHEYEN (EPP, DE), who recalled that pan-European services were not always economically viable. The Chair added that the consumers should be fully informed about the extent of the services they bought.

The committee will consider the amendments at its meeting on 16/17 March.

9. **Towards a renewed consensus on the enforcement of Intellectual Property Rights (IPRs): An EU Action Plan**

- Rapporteur for the opinion: Catherine STIHLER (S&D, UK)
- Responsible: JURI - Pavel SVOBODA (EPP, CZ)
- Consideration of draft opinion
- Deadline for tabling amendments: 25 February 2015

The rapporteur presented the Commission action plan and her draft opinion, stressing the economic significance of IPRs and the variety of sectors concerned by infringements. She suggested that the Office of Harmonisation in the Internal Market (OHIM) provided annual reports on this issue to the EP. The EPP, ECR, ALDE and Greens/EFA shadow rapporteurs (Ms VERHEYEN, Mr DALTON, Ms CHARANZOVÁ and Ms REDA respectively) welcomed the draft opinion. Mr DALTON, supported by Ms REDA, suggested looking at voluntary measures which had been proven to work efficiently. Ms CHARANZOVÁ said she would table amendments with a view to the protection of trade marks and the removal of dangerous counterfeits. Ms REDA took the view that transparency of IPRs had to be ensured.

The committee will consider the amendments at its meeting on 16/17 March.

VOTES:

10. **Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council**

• **Vote on the Corrigendum**

The committee adopted the corrigendum by 33 votes in favour, one vote against and one abstention.

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

The committee confirmed all amendments, except those relating to number plates in common colour and the identification taxes, adopted under the previous legislature by 26 votes in favour, one vote against and nine abstentions.

12. **Next meeting**

- 16 March 2015, 15.00 – 18.30 (Brussels)
- 17 March 2015, 9.00 – 12.30 and 15.00 – 18.30 (Brussels)