



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat of the Council
to : Delegations

Subject: Summary record of the meeting of the Committee on the **Internal Market and Consumer Protection (IMCO)**, held in Brussels on 28 November 2012
– Items 4, 5 and 7 on the agenda

The meeting was chaired by Mr HARBOUR (ECR, UK).

Item 4 on the agenda

Union Customs Code (Recast)

IMCO/7/08924

***I 2012/0027(COD)COM(2012)0064 – C7-0045/2012

Rapporteur: Constance Le Grip (PPE)

- Consideration of amendments

The rapporteur on this dossier, Ms LE GRIP (EPP, FR) said that more than 200 amendments to the draft report had been tabled. She outlined the main objectives of the recast of the Union Customs Code (UCC), which were:

- to postpone the entry into force of the initial Code, scheduled for June 2013;
- to adjust the Code to the entry into force of the Lisbon Treaty with regard to delegated acts and implementing acts;

- to take account of developments in customs legislation relating to computer systems in use.

Ms LE GRIP mentioned two areas where considerable progress could be achieved. These related to a) temporary storage procedure: the rapporteur aimed at ensuring a modernised customs code while maintaining the temporary system; b) enhancement of the status of Authorised Economic Operator (AEO status) - it should be ensured that AEO status became a pillar of simplification while both security and safety should be maintained. AEO status should become more attractive and practical, and should bring tangible benefits so that interested parties felt motivated to achieve it.

She also explained that some of the amendments sought to simplify current procedures (e.g. exemption from certain procedures in connection with summary declaration upon entry / point of exit). Other amendments concerned areas such as rules of origin or the determining of the customs value of goods. Concerning delegated acts and implementing acts, she said it was important to strike a balance and to ensure that the Parliament's powers were respected.

The rapporteur concluded her presentation by saying that it was vital to achieve legal certainty of the UCC while achieving a final text that was simple, legible and succinct. She also stressed the need for a more modern and practicable Code which at the same time provided safety and security.

In the following short debate, most shadow rapporteurs were able to support the broad lines of the amendments tabled to the report (Ms RAPTI (S&D, EL), Mr SCHMIDT (ALDE, SE), Ms RÜHLE (Greens/EFA, DE). Ms RAPTI stressed the need to pay close attention to details which were of particular importance such as the question of financial agency, instances of waiver, and electronic communication and customs. Ms RÜHLE considered that the question of rules of origin needed a legally sound solution while Mr BIELAN (ECR, PL) called for simplification and signalled he would support those amendments which aimed in particular at simplifying the achievement of the AEO status.

The Commission representative also spoke at the end of the debate. In connection with the authorised economic operator she said that the conditions for granting this status needed to be clearly defined. The most important question was whether these conditions should be provided for in the basic act or whether more flexibility was needed through the application of delegated / implementing acts.

Concerning implementing acts and delegated acts she said that a balance between flexibility and legal certainty had to be established. She added that if a clear legal framework could be created, some provisions could be included in the basic act.

The Commission representative regarded the issue of alignment (choice of procedure and type of powers delegated to the Commission (comitology / delegated act) as a sensitive area. She encouraged the Council and Parliament to examine this matter separately and then possibly to continue discussions in a trilogue.

Item 5 on the agenda

The Energy Roadmap 2050, a future with energy

IMCO/7/09629

2012/2103(INI) COM(2011)0885

Rapporteur for the opinion: Olle Schmidt (ALDE)

- Consideration of amendments

Mr CHATZIMARKAKIS (ALDE, DE) briefly presented, on behalf of the rapporteur, Mr SCHMIDT (ALDE, DE) the main aspects of the amendments that were tabled to the draft report. There were also some compromise amendments which related *inter alia* to the following areas a) competition; b) energy efficiency; c) impact of carbon content; d) energy supply; e) energy prices. Mr CHATZIMARKAKIS pointed out that views on the question of nuclear energy differed between the political groups. The rapporteur however believed that modern and safe nuclear energy would play an important role in energy supply in the future.

Furthermore, he acknowledged that room for research and the development of new technologies on the energy market should be maintained. Mr SCHMIDT regretted that the scenarios described in the Commission proposal imposed a considerable financial burden on Member States, but at the same time he welcomed energy taxes, carbon taxes and emission trading as possible tools to ease this burden.

Mr CORREIRA DE CAMPOS (S&D, PT), Ms BASTOS (EPP, PT) and Mr BIELAN (ECR, PL) were supportive of the amendments on behalf of their political groups and were ready to reach consensus on the text. Ms RÜHLE (Greens/EFA, DE) on the other hand regretted that her political group would not be able to vote in favour of the report since the Green political party did not agree with the approach to the question of nuclear energy, which was a decisive issue for them.

Item 7 on the agenda

Protection of individuals with regard to the processing of personal data, and the free movement of such data (General Data Protection Regulation)

IMCO/7/08741

***I 2012/0011(COD)COM(2012)0011 – C7-0025/2012

Rapporteur for the opinion: Lara Comi (EPP, IT)

- Consideration of amendments

The rapporteur, Ms COMI informed the Committee that around 450 amendments to the draft report for opinion had been tabled. She mentioned some of the relevant issues, which related *inter alia* to:

- the adaptation of the terminology of the text to current needs, with the use of definitions that were valid and applicable in 2012;
- data protection with regard to consumers and data processing (definition of the legal basis, conditions to require consent of the individual, differentiation between persons who use and those who process data); special attention should be given to the protection of data relating to children;
- the application of delegated acts and implementing acts.

In the subsequent debate Ms SCHALDEMOSE (S&D, DK) emphasised the importance of respect for cultural differences in the ways data was handled. While the S&D group supported the Commission's approach favouring a strong Regulation, it was also vital for this group to maintain a certain degree of flexibility in order to allow organisations to deal with data in an appropriate way. In this context, she stressed the need to accept sector-specific approaches and local data policies which could contribute to avoiding the abuse of data.

Some of the members of the Committee on the other hand believed that a fully harmonised Directive with a set of common provisions was more appropriate than one that allowed differences at national level (Mr LØKKEGAARD (ALDE, DK), Ms CORAZZA-BILDT (EPP, SE), Mr HARBOUR (ECR, UK).

Ms GALLO (ALDE, FR), CORAZZA-BILDT (EPP, SE) and Ms HEDH (S&D, SE) called for the inclusion of specific provisions related to minors and the use of child-friendly language which could help achieve an appropriate level of protection.

Mr LØKKEGAARD (ALDE, DK), Mr ENGSTRÖM (Greens/EFA, SE) and Ms CORAZZA-BILDT (EPP, SE) emphasised the need to strike the right balance between data protection, security and practicability. Mr LØKKEGAARD found it was also important to have a clear, simple and legally sound Directive which as a result could be applied effectively. Mr ENGSTRÖM supported this suggestion and added that the Commission proposal's language should be simplified as it was in many cases unnecessarily complicated.

The Commission representative responded to some of the points raised by the members of the Committee. In general terms, she felt that the architecture of the proposal was designed to ensure a high level of consumer protection and the strengthening of consumers' rights, while also maintaining the free movement of data.

The Commission representative believed a harmonised and clear legal framework which was at the same time practicable could support growth and stimulate competitiveness among SMEs. She said the Commission's intention was to reduce administrative burden, wherever possible, without jeopardising the protection of consumers.

Pointing to the protection of children's data she said that those younger than 13 years of age would benefit from the "right to be forgotten" and to those aged between 13 and 18 the level of protection in line with the UN Convention on this matter would apply.

On the subject of delegated / implementing acts, the Commission representative found that legal certainty had to be assured while maintaining the right balance. She believed that delegated / implementing acts had an important role when it came to the need to adjust to new technologies. She assured the Committee that the Commission was ready to discuss the application of these acts with the co-legislators on a case-by-case basis.