



Malta-EU Steering & Action Committee

COMPETITIVENESS AND CONSUMER AFFAIRS



23.02.09

Anti-dumping duties

COM (2009) 60 - Proposal for a Council Regulation amending Council Regulation (EC) No 1425/2006 imposing a definitive anti-dumping duty on imports of certain plastic sacks and bags originating in the People's Republic of China or Thailand, and terminating the proceeding on imports of certain plastic sacks and bags originating in Malaysia

By Regulation (EC) No 1425/2006 the Council imposed a definitive anti-dumping duty on imports into the Community of certain plastic sacks and bags originating in the People's Republic of China and Thailand.

Article 2 of this Regulation gives the possibility to any new exporting Chinese or Thai producer which meets the criteria set out in that Article to be granted the same treatment as the co-operating companies not included in the sample ('new exporting producer treatment' or 'NEPT'). In this proposal the Commission is recommending that the Council adopt the proposed Regulation in order to add three new companies to the list of exporting producers in Annex I of Council Regulation (EC) No 1425/2006.

Anti-dumping measures

COM (2009) 54 - Proposal for a Council Regulation terminating the partial interim review of the anti-dumping measures applicable to hand pallet trucks and their essential parts originating in the People's Republic of China



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On 19 December 2007, the Commission initiated a partial interim review of the antidumping measures applicable to imports of hand pallet trucks and their essential parts originating in the People's Republic of China imposed by Council Regulation (EC) No 1174/2005.

The request for the review was lodged by a Chinese exporting producer, namely Yale (Hangzhou) Industrial Products Co. Ltd. who claimed that the circumstances on the basis of which measures were established for this company have changed and the continued imposition of measures at the existing level, which were based on the level of dumping previously established, appeared to be no longer necessary to offset dumping. The review investigation showed that the circumstances on the basis of which measures were established with respect to Yale (Hangzhou) Industrial Products Co. Ltd. have not changed and consequently a change of the anti-dumping duty applicable to the company is not possible. Thus, in this proposal the Commission is suggesting that the Council adopt the proposal for a Regulation terminating the existing partial interim review without amending the existing measures in force.

Aviation Security

COM (2009) 30 - Report from the Commission on financing aviation security

This report issued by the Commission addresses issues such as whether security charges are exclusively used to meet security costs, the transparency of security charges, the impact of aviation security and its financing on competition between airports and between airlines, and consumer protection as regards the distribution of the costs of security measures between taxpayers and users. The Commission intends to continue preparing a legislative initiative based on the impact of aviation security on consumer and the functioning of the internal aviation market.

Textile names and related labelling of textile products

COM (2009) 31 - 2009/0006/COD Proposal for a Regulation .../.../EC of the European Parliament and of the Council on textile names and related labelling of textile products

This Regulation lays down rules concerning the use of textile names and related labelling of textile products as well as the rules concerning the quantitative analysis of binary and ternary textile fibre mixtures. It is a revision of Textile Names



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legislation which aims at simplifying and improving the existing regulatory framework for the development and uptake of novel fibres, with a view to encourage innovation in the textile and clothing sector and to allow fibre users and consumers to benefit faster from innovative products.

Consumer Markets Scoreboard

COM (2009) 25 – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Monitoring consumer outcomes in the single market Second edition of the Consumer Markets Scoreboard

This communication presents the results of the second edition of the Consumer Markets Scoreboard and complements the Commission's broader market monitoring exercise by providing additional information on the malfunctioning of markets from a consumer perspective. The main objective of the Scoreboard is to identify which parts of the internal market are not functioning well for consumers. The main findings of the Scoreboard are:

- Consumers are less satisfied and experience more problems with services than with goods markets.
- While online shopping is becoming more widespread, cross-border e-commerce is not developing as quickly as the domestic side as a result of cross-border barriers to online trade.
- Evidence shows major differences between Member States with regards to the enforcement and redress mechanisms. The Commission will address these issues through a Communication on enforcement and a follow-up to the Green Paper on collective redress.

Review on Better Regulation

COM (2009) 16 - Commission Working Document Reducing Administrative Burdens in the European Union Annex to the 3rd Strategic Review on Better Regulation

In January 2007, the Commission adopted a more systematic approach by presenting an ambitious Action Programme aimed at reducing administrative burdens on businesses in the EU by 25% in 2012. The aim of the Action Programme is to measure costs imposed by information obligations put on



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businesses and suppress unnecessary requirements. This should improve the efficiency of legislation without undermining its purpose.

This Working Document accompanies the Third Strategic Review on Better Regulation. It details progress achieved in 2008 and presents the outlook for 2009 and beyond.

Review on Better Regulation

COM (2009) 15 - Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Third strategic review of Better Regulation in the European Union

Over the last four years, the Commission has made significant progress in implementing its better regulation agenda. It is simplifying legislation that is already on the books to ensure that it is up to date and more accessible. To ensure that new legislation and policies are of the highest quality possible, it has rolled out a wide-ranging and ambitious impact assessment system. This Communication reviews where progress has been made and highlights areas where further efforts are necessary.

In its conclusion, the Commission maintains that now that the European Union and its Member States are facing important challenges in addressing the current economic and financial situation, better regulation must remain an essential part of the response – regulating where there is a need to do so, in a manner which is as straightforward as possible, based on dialogue with stakeholders, and in a way that keeps burdens on businesses and citizens to the minimum necessary. The experience with better regulation over the last four years will provide a good basis on which to confront new challenges. The Commission concludes that it has identified next steps which require continued efforts and the on-going political support of the other European institutions, the Member States, local and regional authorities, and stakeholders.

Tariff and statistical nomenclature and on the Common Customs Tariff

COM (2009) 3 - Proposal for a Council Regulation amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff



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The aim of this draft Council Regulation is to amend the current autonomous duty suspension for certain type of monitors for which customs duties are currently autonomously suspended until 31 December 2008.

Product safety

COM (2008) 905 - Report from the Commission to the European Parliament and to the Council on the implementation of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety

In this report the Commission examines the implementation and functioning of the Directive on product safety. The Commission concludes that the Directive has proven to be a powerful tool for ensuring a high level of consumer protection, and has helped to track down and eliminate a vast number of unsafe products from the European market.

Regarding the transposition of the Directive by the Member States, the Commission concludes that this is overall adequate, but that there are still certain inconsistencies. The Commission services are cooperating with the Member States to ascertain whether further measures by certain Member States are needed. The Commission reserved the right to initiate infringement proceedings, where necessary. This concerns in particular the observation of time limits for the enforcement of measures under Article 13 of the Directive.

The Commission observed that there was a major increase in RAPEX (Rapid Alert System for non-food Consumer Products)¹ notifications over the last four years; this being a clear indication that market surveillance under the Directive has been successful. Nevertheless, the Commission feels that in an increasingly global market with more and more products coming to the EU from third countries, there is a need for further co-ordination of market surveillance activities between the Member States, including cooperation with customs authorities.

Another observation made by the Commission in its report is that the requirement of identification of the producer on the product or its packaging

¹ The RAPEX system establishes the circulation of information among the Commission and Member States' authorities of information on measures taken by Member States' authorities and economic operators in relation to products posing a serious risk to the health and safety of consumers



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(which requirement is an important element for ensuring traceability), is not mandatory in all Member States' legislations and this leads to unsatisfactory results. If the market surveillance authority cannot trace the manufacturer or importer of a product that is found to be dangerous, it is not in a position to take fully effective measures. Thus, the Commission concludes that further improvements could be achieved if the mandatory nature of this identification.

The Commission also maintained in this report that the standardisation provisions should be simplified to allow greater flexibility. This would streamline the lengthy procedure for issuing the safety requirements for each individual product.

The Postal Directive

COM (2008) 884 - Report from the Commission to the Council and to the European Parliament on the application of the Postal Directive (Directive 97/67/EC as amended by Directive 2002/39/EC)

This is a report in accordance with article 23 of the Postal Directive which requires the Commission to report on the application of the Directive every two years.

The Commission's conclusion is that competition in this field has continued to evolve due to the fact that during the reporting period gradual market opening of the postal sector continued and Germany fully liberalized its postal market. Emerging competition, as already identified in Member States that fully opened their market, leads to higher quality and more customer-oriented postal services. However, the development of competition with its benefits for businesses and consumers remains slower than expected. The Commission maintains that the adoption of the Third Postal Directive must be seen as being the decisive step in this respect as it provides for the abolishment of the last legal monopolies and represents a unique opportunity for the postal sector and for the whole economy. Nevertheless, other (legal and strategic) market entry barriers still persist. If the vision of an internal market with sustainable and efficient postal services is to become a reality, these market barriers have to be dealt with efficiently and removed.

Lisbon Programme 2008 – 2010

COM (2008) 881 - Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the



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Committee of the Regions Implementation Report for the Community Lisbon Programme 2008 – 2010

As part of the renewed Lisbon Strategy for Growth and Jobs, the Commission adopted in December 2007 a Proposal for a Community Lisbon Programme 2008-2010, setting out ten key objectives and corresponding policy actions for Community-level actions for the next three years.

This Communication assesses the implementation of the Community Lisbon Programme 2008-2010 in the first year of the new cycle and identifies the pending priority actions that should now be addressed with highest priority in order to complement the actions identified in the European Recovery Plan and by the Member States in their updated national reform programmes.

Rights of Passengers in Bus and Coach Transport

COM (2008) 817 - Proposal for a Regulation of the European Parliament and of the Council on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

Despite the Community's efforts, the single market for transport, the removal of borders and the growth in travel have not always been accompanied by sufficient measures to protect passenger rights. This Proposal aims at establishing rights of coach and bus passengers in order to improve the attractiveness of and confidence in coach and bus transport as well as to achieve a level playing field between carriers from different Member States and between other modes of Transport.

Some of the areas covered by the proposed Regulation include the liability for death or injury of passengers, general rules concerning damage, compensation for lost or damaged luggage, and the rights of disabled persons and persons with reduced mobility using this mode of transport.

Rights of Passengers when Travelling by Sea

COM (2008) 816 - Proposal for a Regulation of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 on cooperation



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between national authorities responsible for the enforcement of consumer protection laws

The opening of the market for the carriage of passengers by sea is not complete until consumers, and not only companies, can derive the maximum benefits.

The purpose of this Proposal is to establish the rights of domestic and international maritime passengers, including those who are disabled or persons with reduced mobility. Some of the areas covered include the obligations of carriers in the event of interrupted travel, the information for passengers and handling of complaints, and enforcement of the regulation.

Action Plan on e-signatures and e-identification

COM (2008) 798 - Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Action Plan on e-signatures and e-identification to facilitate the provision of cross-border public services in the Single Market

In the framework of the Lisbon Strategy, the EU has committed itself to improving the legal and administrative environment to unlock business potential. Bringing public administrations on line, and enabling enterprises and individuals to communicate electronically with public administrations across borders, contributes to creating an environment that favours entrepreneurship and facilitates citizen's contact with public authorities.

Major barriers to cross-border access to electronic services of public administrations are linked to the use of electronic identification and of electronic signatures. Like in the non-digital environment, certain electronic procedures may require identification and signatures. Thus access to public administrations' electronic procedures often implies the need for the individuals involved to identify themselves (i.e. allowing the administration to make sure that the persons are who they claim to be by checking their personal credentials) and the need to provide an electronic signature allowing the administration to identify the signatory as well as to make sure that the data submitted has not been altered during transmission).

The objective of this Action Plan is therefore to offer a comprehensive and pragmatic framework to achieve interoperable e-signatures and e-identification, which will simplify access of enterprises and citizens to cross-border electronic public services. To achieve this objective, the Action Plan



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focuses on a number of practical, organisational and technical issues, complementing the existing legal framework.

Consumer rights

COM (2008) 614 - Proposal for a Directive of the European Parliament and of the Council on consumer rights

This proposal is a result of the review of the Consumer *Acquis* which covers a number of Directives on consumer protection. The review was launched in 2004 with the objective to simplify and complete the existing regulatory framework.

The Directives under review contain minimum harmonisation clauses meaning that Member States may maintain or adopt stricter consumer protection rules. Member States have made extensive use of this possibility. The outcome is a fragmented regulatory framework across the Community which causes significant compliance costs for businesses wishing to trade cross-border. The internal market effects of the fragmentation are a reluctance by businesses to sell cross-border to consumers which in turn reduces consumer welfare. If consumers are precluded access to competitive cross-border offers they do not fully reap up the benefits of the internal market in terms of more choice and better prices.

The objective of the proposal is to contribute to the better functioning of the business-to-consumer internal market by enhancing consumer confidence in the internal market and reducing business reluctance to trade cross-border. This overall objective should be attained by decreasing the fragmentation, tightening up the regulatory framework and providing consumers with a high common level of consumer protection and adequate information about their rights and how to exercise them.

Liability of air carriers and airports in the event of destroyed, damaged or lost mobility equipment of passengers with reduced mobility

COM (2008) 510 - Communication from the Commission on the scope of the liability of air carriers and airports in the event of destroyed, damaged or lost mobility equipment of passengers with reduced mobility when travelling by air



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On 5 July 2006, the Council and the European Parliament adopted the Regulation 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air. Subsequently, a study - "Study on the compensation thresholds for damaged or lost equipment and devices belonging to air passengers with reduced mobility"- was undertaken. The purpose of this Communication is to report on the outcome of the study and the possibility to enhance existing rights

Damages actions for breach of the EC antitrust rules **COM (2008) 165 – White Paper on Damages actions for breach of the EC antitrust rules**

Any citizen or business who suffers harm as a result of a breach of EC competition rules (Articles 81 and 82 of the EC Treaty) must be able to claim reparation from the party who caused the damage. Nevertheless, to date in practice victims of EC antitrust infringements only rarely obtain reparation of the harm suffered.

In its 2005 Green Paper, the Commission concluded that this failure is largely due to various legal and procedural hurdles in the Member States' rules governing actions for antitrust damages before national courts, such as the complex factual and economic analysis required, the frequent inaccessibility and concealment of crucial evidence in the hands of defendants and the often unfavourable risk/reward balance for claimants.

The European Parliament concurred with the findings in the Green Paper, as did other stakeholders, and called upon the Commission to prepare a White Paper with detailed proposals to address the obstacles to effective antitrust damages actions.

This White Paper considers and puts forward proposals for policy choices and specific measures that would ensure that all victims of infringements of EC competition law have access to effective redress mechanisms so that they can be fully compensated for the harm they suffered.

European Union Patent Court **Doc. 11270/08 - Draft Agreement on the European Union Patent Court**



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This is a draft Agreement for the setting up a European Union Patent Court for litigation related to the infringement and validity of patents. This will improve the enforcement of patents and enhance legal certainty. The European Union Patent Court shall be designed to ensure expeditious and high quality decisions, striking a fair balance between the interests of right holders and other parties and taking into account the need for proportionality and flexibility.

Community Patent

Doc. 9465/08 - Revised Proposal for a Council Regulation on the Community patent

In the European Union, patent protection is currently provided by two systems, neither of which is based on a Community legal instrument: the national patent systems and the European patent system

This proposal for a Regulation is aimed at creating a new unitary industrial property right, the Community patent. It is essential for eliminating the distortion of competition which may result from the territorial nature of national protection rights; it is also one of the most suitable means of ensuring the free movement of goods protected by patents.

The creation of a Community patent will also enable undertakings to adapt their production and distribution activities to the European dimension. It is considered to be an essential tool if the European Community is to succeed in transforming research results and the new technological and scientific know-how into industrial and commercial success stories, while at the same time stimulating private R&D investment, which is currently at a very low level in the European Union compared with the United States and Japan.

COUNCIL CONCLUSIONS

The last Council meeting on matters on Competitiveness was held on the 1st & 2nd of December 2008. The following are the main results of this Council meeting:

The Council held an exchange of views on the response to be made to the current economic crisis from the point of view of European competitiveness. In this connection, it adopted conclusions for the introduction of a "Small Business Act" to benefit small and medium-sized European undertakings.

The Council also adopted conclusions on competitive clusters in Europe.

The Council adopted conclusions in the field of research with regard to:

- the "2020 Vision" for the European Research Area;
- the joint programming of research in Europe;
- international science and technology cooperation;
- a strategy for marine and maritime research and



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CONSULTATION NOTE

Proposals for eco-design and labelling requirements for refrigerating appliances and televisions

Discussions on minimum energy efficiency requirements and energy labelling requirements for household refrigeration appliances and televisions are at an advanced stage and are expected to be approved later on this year. These will imply that:

- Household refrigeration appliances which include refrigerators, freezers, refrigerator cellars and wine storage appliances; and
- Televisions which include televisions with a remote tuner and television monitors

CANNOT be placed on the market unless they meet certain minimum energy efficiency criteria and must have the appropriate energy label affixed to them at the point of sale.

The latest documents under discussion may be found at:

For household refrigeration appliances -

http://www.msa.org.mt/rad/ecodesign/EUP_discussed/commercial%20and%20household%20equipment/refrigerators/

For televisions -

http://www.msa.org.mt/rad/ecodesign/EUP_discussed/sound%20and%20vision/Television/



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Kindly send any comments to the Malta Standards Authority (info@msa.org.mt) by 6 March 2009.