



Malta-EU Steering & Action Committee

# COMPETITIVENESS AND CONSUMER AFFAIRS



15.05.09

## Aviation security charges

### COM(2009) 217 - Proposal for a Directive of the European Parliament and of the Council on aviation security charges

At present, systems for the recovery of aviation security costs are regulated at national level and are not always transparent to the users. Furthermore, users are not systematically consulted at all EU airports before charges are determined or before a charging system is modified. Hence the Commission is proposing this Directive so as to establish a common set of basic rules throughout the EU with regard to security charges thus ensuring fair play between the aviation partners. The proposed Directive does not impose a particular charging system. This is left to the Member States. The proposal is limited to the definition of a minimum set of rules to be observed when determining the levels of security charges. The principles are:

- *Non-discrimination* - aviation security charging systems should not discriminate between carriers or passengers;
- *Consultation and remedy* - the airport managing body and the air carriers serving the airport must engage in a dialogue on the security charging system applicable at an airport when such system is modified or when the levels of the security charges are being established;
- *Transparency* - a reasonable amount of information must be provided by the operator to the air carriers so as to make the consultation process meaningful;
- *Cost-relatedness*: Security charges shall be used exclusively to meet security costs, and should take into account the grants and subsidies allocated by the authorities for security purposes, the cost of financing facilities and the costs of installations and security operations;



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- *Independent supervisory authority and resolution of disagreements:* Independent authorities should be established in each Member State to ensure the correct application of the measures, together with a procedure for resolving disagreements between airports and users.

**COM(2009) 220 - Proposal for a Council Regulation extending the definitive anti-dumping duty imposed by Regulation (EC) No 1174/2005 on imports of hand pallet trucks and their essential parts originating in the People's Republic of China to imports of the same product consigned from Thailand, whether declared as originating in Thailand or not**

In September 2008, the Commission initiated an investigation against Thailand concerning the possible circumvention of the anti-dumping 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 of 18 July 2005, by imports of hand pallet trucks consigned from Thailand (whether declared as originating in Thailand or not).

Following the imposition of the aforesaid anti-dumping measures, *prima facie* evidence suggested that there was a change in the pattern of trade in hand pallet trucks between China, Thailand and the EC, and in particular a surge of imports of hand pallet trucks from Thailand. Coinciding with this situation, evidence at the Commission's disposal suggested that imports of essential parts for hand pallet trucks from China into Thailand increased sharply between the imposition of the AD measures and 2007. At the same time, there appeared to be a significant amount of assembly operations of Chinese essential parts for hand pallet trucks in Thailand, a business practice that did not seem to have any economic justification, and a significant increase of exports of hand pallet trucks from Thailand to the EC.

The anti-circumvention investigation showed an increase of exports from Thailand for which there is no other reasonable explanation than the existence of circumvention practises. Apart from one exporting producer in China, who simply reported its export sales from the China to the EC and some minor sales from China to Thailand, no other party, either in Thailand or China, replied to the requested questionnaires. Thus, no information was obtained, which would provide significant due cause or economic justification to explain the above-stated change of trade pattern. The investigation concluded that the imports from Thailand were circumventing the measures in place and it is therefore proposed that the Council adopts the proposal for a Regulation extending the



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existing anti-dumping measures to the same product consigned from Thailand, whether declared as originating in Thailand or not.



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### **Small chips with big potential: New EU recommendations on smart chips**

On Tuesday the European Commission adopted a set of recommendations to make sure that everyone involved in the design or operation of technology using smart chips respects the individual's fundamental right to privacy and data protection, contained in the Charter of Fundamental Rights of the European Union.

The Commission argues that Europeans should be able to have control over smart chips, a worldwide market set to grow five times over in the next decade, while still being able to easily use them to make everyday life simpler. There are already over 6 billion smart chips, microelectronic devices that can be integrated into a variety of everyday objects from fridges to bus passes. With Radio Frequency Identification (RFID) technology, they can process data automatically when brought close to 'readers' that activate them, pick up their radio signal and exchange data with them.

[Read more](#)

### **Antitrust: Commission imposes fine of €1.06 bn on Intel for abuse of dominant position**

The European Commission has imposed a fine of €1.06bn on Intel Corporation for violating EC Treaty antitrust rules on the abuse of a dominant market position (Article 82) by engaging in illegal anticompetitive practices to exclude competitors from the market for computer chips called x86 central processing units (CPUs). The Commission has also ordered Intel to cease the illegal practices immediately to the extent that they are still ongoing. Throughout the period October 2002-December 2007, Intel had a dominant position in the worldwide x86 CPU market (at least 70% market share). The Commission found that Intel engaged in two specific forms of illegal practice. First, Intel gave wholly or partially hidden rebates to computer manufacturers on condition that they bought all, or almost all, their x86 CPUs from Intel. Intel also made direct payments to a major retailer on condition that it stock only computers with Intel x86 CPUs. Such rebates and payments effectively prevented customers - and ultimately consumers - from choosing alternative products. Second, Intel made direct payments to computer manufacturers to halt or delay the launch of specific products containing competitors' x86 CPUs and to limit the sales channels available to these products. The Commission found that these



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practices constituted abuses of Intel's dominant position on the x86 CPU market that harmed consumers throughout the EEA. By undermining its competitors' ability to compete on the merits of their products, Intel's actions undermined competition and innovation. The Commission will actively monitor Intel's compliance with this decision.

[Read more](#)

### **Airlines move to clean up ticket selling websites**

New EU results published this week show a "step change" in airline ticket selling websites across Europe in terms of compliance with consumer protection rules. The findings feature in a final report on an 18 month EU-wide process to crackdown on misleading advertising and unfair practices. As a result of an EU enforcement investigation started in September 2007 – with 15 EU national authorities and Norway - 115 airline websites out of the 137 websites investigated have been corrected. Following an additional "health check" process involving independent mystery shopping in March 2009 on 67 major airlines, 52 airlines have either been given a "clean bill of health" and undertaken to maintain the same standards - *Air Malta being amongst these* - or immediately responded to the Commission's consultation with undertakings to remedy outstanding issues. The health check process checked websites against a comprehensive 14 point checklist, which was previously agreed with the airline industry. The Commission is now working to put in place an industry wide agreement to provide a level playing field for airlines across the EU and to maintain sites to a high standard.

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### **Discussions of the informal meeting of the Ministers for Competitiveness**

*During an informal meeting which was held between the 4th and 5th May, the Ministers for Competitiveness addressed the economic impacts of EU enlargement, cutting red tape for businesses and the future of the EU internal market against the backdrop of the economic crisis.*

The Ministers agreed that the internal market is the driving force of economic growth in the EU - all the more so at a time of financial and economic crisis.

The Ministers reiterated their agreement that at a time of economic crisis, all players on the internal market must have a level playing field. The greater leeway in the rules for state aid, set out by the Commission under the Economic Recovery Plan, must not be misused to distort the business environment in favour of certain companies. Furthermore, the Ministers endorsed the opinion of the Presidency that the completion of the internal market requires above all interconnecting network industries, accelerating the work on EU patent law and implementing the Services Directive.

The Czech Presidency also stressed the role of small and medium-sized enterprises in the internal market. Experience has shown that SMEs can cope with the consequences of the economic crisis better than large multinational companies. However, it is usually the latter that get most of the governments' attention while it is the former that create the most jobs in the EU. This is why the rules for SMEs must be simplified and the administrative burden imposed on them must be reduced. The Ministers appreciated that this is precisely the aim of the Commission Action Programme for Reducing Administrative Burdens.



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**CONSULTATION NOTE**

***Consultations with regards to the various eco-design measures that are coming into force***

Various Eco design requirements are going to enter into force:

1. Standby and off mode electric power consumption of electrical and electronic household and office equipment  
[http://www.msa.org.mt/rad/ecodesign/EUP\\_inforce/Standby%20power/](http://www.msa.org.mt/rad/ecodesign/EUP_inforce/Standby%20power/)
2. Ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies  
[http://www.msa.org.mt/rad/ecodesign/EUP\\_inforce/ext%20power%20supply/](http://www.msa.org.mt/rad/ecodesign/EUP_inforce/ext%20power%20supply/)
3. Ecodesign requirements for simple set-top boxes  
[http://www.msa.org.mt/rad/ecodesign/EUP\\_inforce/ext%20power%20supply/](http://www.msa.org.mt/rad/ecodesign/EUP_inforce/ext%20power%20supply/)
4. Ecodesign requirements for non-directional household lamps  
[http://www.msa.org.mt/rad/ecodesign/EUP\\_inforce/Lighting/reg%20244\\_2009.pdf](http://www.msa.org.mt/rad/ecodesign/EUP_inforce/Lighting/reg%20244_2009.pdf)
5. Ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps  
[http://www.msa.org.mt/rad/ecodesign/EUP\\_inforce/Lighting/reg%20245\\_2009.pdf](http://www.msa.org.mt/rad/ecodesign/EUP_inforce/Lighting/reg%20245_2009.pdf)

Requirements:

- I. Setting of minimum energy efficiency and/or performance requirements for the **placing on the market** of the applicable electrical / electronic products.
- II. Affixing of the **CE** mark.
- III. Drawing a **declaration of conformity** to one or more applicable regulations.
- IV. Availability of information requirements for consumers/users as required by each applicable regulation in English or Maltese.
- V. Technical documentation (**technical file**) demonstrating conformance to the applicable regulations to be made available to the Market Surveillance Authorities within 10 days of the request.

The regulations shall be implemented as part of Legal Notice 347 of 2007 – Framework for the Setting of Ecodesign Requirements for Energy-using Products Regulations

Note that Commission Regulation (EC) No 245/2009 repeals Directive 2005/55/EC from



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13 April 2011, consequently the Maltese counter part legislation, Energy Efficiency Requirements for Ballasts for Fluorescent Lighting (Implementing Measures) Regulations (Legal Notice 350 of 2007) shall also be repealed.

Interested parties are invited to send their replies to this consultation by 15 May 2009. Should more information be required kindly contact the *Regulatory Affairs Directorate*, Malta Standards Authority by post or e-mail: [joseph.micallef@msa.org.mt](mailto:joseph.micallef@msa.org.mt) or [ecodesign.msa@msa.org.mt](mailto:ecodesign.msa@msa.org.mt)

### COMMISSION CONSULTATION

#### Consultation Paper for Discussion on the follow up to the Green Paper on Consumer Collective Redress

The European Commission has launched a public consultation on the follow up to the Green Paper on Consumer Collective Redress. The aim of the consultation is to present the first working analysis of the impact of the options in the light of the replies to the Green Paper on consumer collective redress and to gather further information, preferably with concrete examples and/or figures on the concrete impact of the policy options, in particular on each national redress systems.

The questionnaire is available at:

[http://ec.europa.eu/consumers/redress\\_cons/collective\\_redress\\_en.htm](http://ec.europa.eu/consumers/redress_cons/collective_redress_en.htm)

Responses should be sent at the latest on 3rd July 2009 to European Commission Directorate-General Health and Consumers, Rue de la Loi 200, 1049 Brussels, Belgium or to [Sanco-consumer-collective-redress@ec.europa.eu](mailto:Sanco-consumer-collective-redress@ec.europa.eu)