



Malta-EU Steering & Action Committee

# COMPETITIVENESS AND CONSUMER AFFAIRS



03.04.09

## **Payments: further clarifications to ensure the timely launch of the SEPA<sup>1</sup> Direct Debit scheme**

The European Commission and the European Central Bank (ECB) have issued a joint statement providing further clarification so as to encourage the European Payments Council (EPC) to launch the SEPA Direct Debit scheme (SDD) on 1<sup>st</sup> November 2009. In particular, the Commission makes clear that a general per transaction multilateral interchange fee (MIF) for direct debit transactions does not seem justified for efficiency reasons and therefore does not appear compatible with EU antitrust rules. The Commission and the ECB also noted that the forthcoming approval of the revised Regulation on cross-border payments will provide a three-year transitional regime for the SDD business model.

For more info [click here](#)

<sup>1</sup> *The Single Euro Payments Area (SEPA) is an initiative of the European banking industry that will make all electronic payments across the euro area – e.g. by credit card, debit card, bank transfer or direct debit – as easy as domestic payments within one country are now. On a practical level, SEPA means that you will be able to make fast and secure transfers between bank accounts anywhere in the euro area, while if you are shopping abroad you will be able to use your bank debit card to make a payment in euro, just like at home.*

## **Union citizenship and freedom of movement**

Since 2006 over eight million Europeans have exercised their right to reside in another EU Member State. However, according to the European Parliament, the Member States have erected many obstacles to the free movement of the EU's citizens. MEPs believe that the public still has little awareness of its rights, including the right to vote in local and European elections in the country where they live.

For more info click here

**[EU Trademark fees slashed](#)**



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*Businesses are about to get a big break on the costs of filing for an EU trademark.*

Trademarks are valuable to businesses because they set a company and its products apart from others. They are also helpful to consumers, showing the merchandise is genuine - not an inferior imitation.

Currently companies pay two separate fees for trademark protection – one for application and another for registration. Starting in May, these will be replaced by a single fee to save time. What's more, the total cost will drop to €1 050 from €1 750 for a paper application. Companies that apply online will pay even less – €900 instead of €1 600. This is for a trademark issued directly by the EU. For EU validation of an international trademark, the fee will fall to €870 from €1 450.

On a related issue, the EU is launching a forum to fight the sale of fake goods, illegal downloading and other [infringements of intellectual property rights](#). The new “observatory” will bring together experts from the public and private spheres to evaluate the problem and develop solutions. The global trade of fake goods is a €150bn business, according to the Organisation for Economic Cooperation and Development.

For more info [click here](#)

### **MEPs to vote to step up eco-labelling**

MEPs have adopted a first reading agreement on the voluntary EU Ecolabel ("EU flower") system for environment-friendly products to become less costly and bureaucratic to use. The label has so far been awarded to over 3,000 products such as detergents, paper and shoes.

The overall objective of the proposed regulation is to promote products with a reduced environmental impact through the use of a voluntary scheme, the Ecolabel scheme.

The proposed regulation sets general requirements for the development of the Ecolabel criteria for any goods or services which are supplied for distribution, consumption or use on the Community market. The criteria themselves will not be determined by the regulation, but by subsequent decisions, for each product group (laundry detergents, soaps and shampoos, tissue paper, camp site service, etc.)

For more info [click here](#)



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**MasterCard: decision to cut cross-border Multilateral Interchange Fees (MIFs) and to repeal recent scheme fee increases**

European Commissioner for Competition Neelie Kroes has indicated that, on the basis of information currently available, she sees no need to pursue MasterCard for non-compliance with a 2007 Commission decision that MasterCard's cross-border multilateral interchange fees (MIF) were in breach of EC Treaty rules on restrictive business practices. Following the 2007 Decision, MasterCard provisionally repealed its cross-border MIF on 12 June 2008 but increased its scheme fees from October 2008. MasterCard now has decided to apply a new methodology to its MIF for cross-border transactions which will result in a substantially reduced average weighted MIF level compared with that found to be in breach of EU antitrust rules. Following the new methodology, the maximum weighted average MIF per transaction will be reduced to 0.30% for consumer credit cards and to 0.20% for consumer debit cards. Moreover, MasterCard has agreed to withdraw as of July 2009 the increases of its scheme fees imposed in October 2008. Finally, MasterCard has agreed to change its system rules as of July 2009 in order to increase transparency and competition in the payment cards market. Implementation of these changes will be closely monitored in the coming months.

For more info [click here](#)

**EU Economic Recovery plan: Commission and Industry agree on swift implementation of public private partnerships in Research and Innovation**

On the eve of the G20 EU Commissioner for Science and Research Janez Potočnik agreed with high-level representatives of the automotive, construction and manufacturing sectors that smart investments in clean technologies should be made within a public private partnership framework. They recognized the importance of coordination of such investments at EU level.

Together, they have issued a Joint Statement to affirm their agreement to move ahead in the implementation of the research Public-Private Partnerships (PPPs) for the "Factories of the Future", "Energy-efficient Buildings" and "Green Cars" initiatives included in the European Economic Recovery Plan adopted in November 2008.

The first steps for these partnerships will be the publication of joint cross-thematic calls for research projects by the end of July, funded by the 7<sup>th</sup> Framework Programme for Research and Development of the European Commission.

For more info [click here](#)

**Eurovignette reform to make truck tolls more efficient**

*On 30 March, EU transport ministers held a public debate on a proposal targeting heavy goods*



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vehicles ("*Eurovignette*").

The Eurovignette is a Commission proposal which aims to encourage Member States to implement differentiated road charging to improve the efficiency and environmental performance of road freight transport. It also establishes a framework which will enable Member States to calculate and vary tolls on the basis of the external costs of road freight transport in terms of air pollution, noise pollution and congestion by introducing the user pays and polluter pays principles. Such charges will encourage transport operators to use cleaner and less fuel consuming vehicles, choose less congested routes, optimise the loading of their vehicles and make a more efficient use of infrastructures.

Diverging opinions regarding congestion charging remain the major obstacle to finding an agreement. Although the Czech Presidency presented compromise proposals such as the postponement of the introduction of congestion charges, positions of Member States remain controversial. Before a final decision on the draft directive can be taken, further reflection is needed on the best ways and means to address its complexity by also taking into account the current economic and financial situation.

For more info [click here](#)

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## **COMMISSION CONSULTATION**

### **Consultation on the Review of the Fourth and Seventh Company Law Directives**

The European Commission has launched a public consultation on the review of the Fourth and Seventh Company Law Directives.

This consultation aims at raising issues relating to the modernisation and simplification of the Accounting Directives. Positive effects of the review will include a reduction of burden mainly for small companies as well as qualitative improvements for all companies within the scope of these Directives. An additional objective is to increase the clarity of the text for lawmakers and users in general.

The questionnaire is available at:

[http://ec.europa.eu/internal\\_market/consultations/2009/company\\_law\\_dir\\_en.htm](http://ec.europa.eu/internal_market/consultations/2009/company_law_dir_en.htm)

Responses should be sent at the latest on 30th April 2009 to DG Internal Market and Services, European Commission, SPA2 00/89, BE-1049 Brussels or to [markt-review-consultation@ec.europa.eu](mailto:markt-review-consultation@ec.europa.eu)

## **JUDGEMENT OF THE EUROPEAN COURT OF FIRST INSTANCE**

### ***CASE C260/07 - Pedro IV Servicios v. Total España SA***

In this judgement the Court held that a service station agreement lasting longer than five years cannot benefit from a block exemption if the supplier lets the service station to the reseller but is not the owner of both the station and the land.

This was not the case under Regulation No 1984/83 which expired on 31 December 1999. Since 1 January 2000, Regulation No 1984/83 has been replaced by Regulation No 2790/19992 which establishes an exemption from the prohibition laid down in Article 81(1) EC for vertical agreements, that is to say, agreements entered into between two or more undertakings each of which operates, for the purposes of the agreement, at a different level of the production or distribution chain, and which relate to the conditions under which the parties may purchase, sell or resell certain goods or services. However, the regulation states that the block exemption is not applicable to any non-compete obligation the duration of which exceeds five years, unless the contractual goods or services are sold by the buyer from premises and land owned by the supplier or leased by the supplier from third parties not connected with the buyer, provided that the duration of the non-compete obligation does not exceed the period of occupancy of the premises and land by the buyer.

[More info](#)