



Malta-EU Steering & Action Committee

# COMPETITIVENESS AND CONSUMER AFFAIRS

Sectoral Committee  
Weekly Update  
**29.01.10**

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## **Fight against counterfeiting - success of an ASEM joint customs operation**

*A joint customs operation conducted in the framework of ASEM (Asia–Europe meeting) has led to the seizure of more than 65 million counterfeit cigarettes and 369,000 other counterfeit items (shoes, toys, cameras, headphones, hats, caps, gloves, handbags, etc.) representing over 20 different trademarks. The operation also resulted in further international investigations into criminal activities.*

This joint customs operation was coordinated by the European Anti-Fraud Office (OLAF) with the support of Europol and Interpol. The operation's success is due to the excellent cooperation and effective work involving customs officials from 13 Asian countries and 27 EU Member States. As previously agreed between all parties involved in the operation, containers shipped from Asia to Europe last autumn were targeted and placed under surveillance. On the basis of 346 suspect containers selected for physical inspection or scanning, 30 containers were identified and impounded with counterfeit cigarettes and other counterfeit items. This averted potential losses to the budgets of the EU and its Member States (customs duties and taxes) of approximately €10 million for counterfeit cigarettes alone.

Europol and Interpol reported that 89 individuals or companies involved in criminal organizations were identified by cross-checking information provided by customs authorities. During the operation, all participating countries successfully used a specific IT communication tool for the real-time exchange of information and intelligence. It was also the first time that OLAF deployed the secure internet access to its communication tool (the Anti-Fraud Information System) for the 13 Asian countries. The operation was coordinated at OLAF headquarters in Brussels via a physical operational co-ordination unit (POCU) staffed by customs liaison officers from 11 EU Member States and 1 liaison officer from Europol. Results and experiences of Diabolo II will be discussed at the ASEM customs forum, and ASEM customs directors-general/commissioners will decide on appropriate follow-up.

Read more:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/99&format=HTML&aged=0&language=EN&guiLanguage=en>



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## **European Parliament - Late payments in commercial transactions: public authorities in the spotlight**

*Late payments by public authorities create difficulties for small and medium-sized firms. However, But MEPs and national MEPs argued that this does not justify imposing heavier sanctions on public sector late payers than private ones*

Late payments eat into the cash reserves of companies that, in a time of economic crisis, have even less ready cash. This weakens small and medium-sized enterprises (SMEs) in particular. A revision of the late payments directive now being considered by Parliament would help SMEs. Internal Market Committee MEPs debated the revision proposal with 21 representatives of national parliaments on Tuesday.

### **Public/private distinction questioned**

According to the European Commission's impact assessment, late payment by public authorities is a major problem for companies. As tabled, the revised directive would therefore impose stricter payment deadlines and penalties on public authorities than on the private sector.

A proposed flat-rate penalty of 5% on public authorities (in addition to debt recovery costs) was deemed disproportionate by all representatives of national parliaments. Titus Pașca from the Romanian Senate argued that 2% would be enough. Eva Högl of the German Bundestag argued that the penalty payment should be incorporated in the debt recovery costs, whilst a German MEP, Jürgen Creutzmann (ALDE) said the payment should be capped. Many MPs and MEPs argued that the penalty should be "stepped" and "gradual", rather than a flat rate. Many also criticized the idea of distinguishing between the public and private sectors, a distinction which they said would undermine certainty as to the law and discriminate the public sector and be unfair to public service suppliers such as hospitals especially as their status is not always clear to entrepreneurs. Furthermore, the approach advocated by the Commission does not solve the problem of business to business (B2B) transactions between private enterprises.

### **First test of co-operation between the EP and national parliaments**

This was the first time since the Lisbon Treaty entered into force that national MPs have met an EP committee. The Treaty creates a new framework for national MPs to help shape EU legislation. German MEP Barbara Weiller undertook to take account in her report of their proposals and observations, which "go beyond the opinions stated in the Council by national governments".

Read more:

[http://www.europarl.europa.eu/news/expert/infopress\\_page/053-67964-025-01-05-909-20100125IPR67963-25-01-2010-2010-false/default\\_en.htm](http://www.europarl.europa.eu/news/expert/infopress_page/053-67964-025-01-05-909-20100125IPR67963-25-01-2010-2010-false/default_en.htm)



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## **Professional qualifications: the Commission formally requests that Spain amend its national legislation applicable to the profession of dental practitioner**

*The European Commission has decided to address a reasoned opinion to Spain regarding its legislation governing the profession of dental practitioner.*

The Commission considers that the Spanish legislation is not in line with Directive 2005/36/EC on the recognition of professional qualifications in that it allows specialist doctors access to the profession of dental practitioner.

Under Directive 2005/36/EC, the profession of dental practitioner should be recognised as a specific profession distinct from that of medical practitioner, whether or not specialised in odontostomatology. Spain, which did not have a specific profession of dental practitioner at the time of its accession on 1 January 1986 and therefore had to create it, has benefited from transitional derogations in favour of its medical practitioners specialised in stomatology who exercise those activities; although those medical practitioners must have started their basic medical training no later than 1 January 1986.

However the Spanish legislation does not take account of this condition set by Community law and in some cases Spain allows medical practitioners specialised in maxillo-facial and oral surgery to participate in competitions to fill posts for dental practitioners in the national health system.

Read more:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/79&format=HTML&aged=0&language=EN&guiLanguage=en>