EU Mapping: Overview of IMCO Related Legislation

Study for the IMCO Committee

2015
EU Mapping:
Overview of Internal Market and Consumer Protection related legislation

STUDY

Abstract
This paper prepared by the Policy Department A Economic and Scientific Policy and the Secretariat of the Committee on Internal Market and Consumer Protection (IMCO) provides a graphic overview on core legislation in the area of the Internal Market and Consumer Protection. The presentation essentially covers the areas within the responsibility of the Committee on Internal Market and Consumer Protection, hence it starts with core IMCO areas but also displays neighbouring areas of other Committees’ competences which are closely connected to and impacting on IMCO’s work.
This document was requested by the European Parliament's Committee on Internal Market and Consumer Protection

AUTHORS
Mariusz MACIEJEWSKI, Policy Department A: Economic and Scientific Policy
Iveta OZOLINA, Policy Department A: Economic and Scientific Policy
Julia FERGER, Committee on Internal Market and Consumer Protection
Carine PIAGUET, Policy Department A: Economic and Scientific Policy
Joanna APAP, Committee on Internal Market and Consumer Protection
Marlies DESOMER, Committee on Internal Market and Consumer Protection
Anders GRONBECH JORGENSEN, Committee on Internal Market and Consumer Protection
Birgit HARDT, Committee on Internal Market and Consumer Protection
Benoit LEFORT, Committee on Internal Market and Consumer Protection
Bozica MATIC, Committee on Internal Market and Consumer Protection
Sebastien VANHOUCKE, Committee on Internal Market and Consumer Protection

RESPONSIBLE ADMINISTRATORS
Mariusz MACIEJEWSKI
Carine PIAGUET
Policy Department A: Economic and Scientific Policy
European Parliament
B-1047 Brussels
E-mail: Poldep-Economy-Science@ep.europa.eu

LINGUISTIC VERSIONS
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Policy departments provide in-house and external expertise to support EP committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny over EU internal policies.

To contact the Policy Department or to subscribe to its newsletter please write to: Poldep-Economy-Science@ep.europa.eu

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<td>AGS</td>
<td>Annual Growth Survey</td>
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<tr>
<td>ATEX</td>
<td>Equipment and Protective Systems for Potentially Explosive Atmosphere</td>
</tr>
<tr>
<td>CCD</td>
<td>Consumer Credit Directive</td>
</tr>
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<td>CCIP</td>
<td>Customs Code Implementing Provisions</td>
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<tr>
<td>CESL</td>
<td>Common European Sales Law</td>
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<td>CETA</td>
<td>EU-Canada Comprehensive Economic and Trade Agreement</td>
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<tr>
<td>CIS</td>
<td>Convention on the Use of Information Technology for Customs Purposes</td>
</tr>
<tr>
<td>COM</td>
<td>European Commission</td>
</tr>
<tr>
<td>CPA</td>
<td>Statistical Classification of Products by Activity</td>
</tr>
<tr>
<td>CPC</td>
<td>Consumer Protection Cooperation</td>
</tr>
<tr>
<td>CPV</td>
<td>Common Procurement Vocabulary</td>
</tr>
<tr>
<td>CRD</td>
<td>Consumer Rights Directive</td>
</tr>
<tr>
<td>ECC-Net</td>
<td>European Consumer Centres Network</td>
</tr>
<tr>
<td>ECON</td>
<td>Economic and Monetary Affairs Committee</td>
</tr>
<tr>
<td>EEA</td>
<td>European Economic Area</td>
</tr>
<tr>
<td>EEN</td>
<td>Enterprise Europe Network</td>
</tr>
<tr>
<td>e.g.</td>
<td>for example</td>
</tr>
<tr>
<td>EIF</td>
<td>European Interoperability Framework</td>
</tr>
<tr>
<td>EIS</td>
<td>European Interoperability Strategy</td>
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<tr>
<td>ENVI</td>
<td>Environment, Public Health and Foot Safety Committee</td>
</tr>
<tr>
<td>EP</td>
<td>European Parliament</td>
</tr>
<tr>
<td>ESPD</td>
<td>European Single Procurement Document</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>EURES</td>
<td>European Job Mobility Portal</td>
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<tr>
<td>FTA</td>
<td>Free Trade Agreement</td>
</tr>
<tr>
<td>GATS</td>
<td>General Agreement on Trade in Services</td>
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<tr>
<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>---------</td>
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<tr>
<td>GPA</td>
<td>Government Procurement Agreement</td>
</tr>
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<td>IMCO</td>
<td>Internal Market and Consumer Protection Committee</td>
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<td>IMD</td>
<td>Insurance Mediation Directive</td>
</tr>
<tr>
<td>IMI</td>
<td>Internal Market Information System</td>
</tr>
<tr>
<td>INTA</td>
<td>International Trade Committee</td>
</tr>
<tr>
<td>IPI</td>
<td>International Procurement Instrument</td>
</tr>
<tr>
<td>IPR</td>
<td>Intellectual Property Rights</td>
</tr>
<tr>
<td>ISA</td>
<td>Interoperability Solutions for European Public Administrations</td>
</tr>
<tr>
<td>IT</td>
<td>Information Technology</td>
</tr>
<tr>
<td>ITA</td>
<td>Information Technology Agreement</td>
</tr>
<tr>
<td>JURI</td>
<td>Legal Affairs Committee</td>
</tr>
<tr>
<td>NLF</td>
<td>New Legislative Framework</td>
</tr>
<tr>
<td>ODR</td>
<td>Online Dispute Resolution</td>
</tr>
<tr>
<td>OJEU</td>
<td>Official Journal of the European Union</td>
</tr>
<tr>
<td>PRIPS</td>
<td>Packaged Retail Investment Products</td>
</tr>
<tr>
<td>PSC</td>
<td>Point of Single Contact</td>
</tr>
<tr>
<td>RAPEX</td>
<td>Rapid Alert System Facilitating the Exchange of Information on Products Posing a Serious Risk to the Health and Safety of Consumers</td>
</tr>
<tr>
<td>REACH</td>
<td>Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals</td>
</tr>
<tr>
<td>RoP</td>
<td>Rules of Procedure</td>
</tr>
<tr>
<td>SMA</td>
<td>Single Market Act</td>
</tr>
<tr>
<td>SPS</td>
<td>WTO Agreement on the Application of the Sanitary and Phytosanitary Measures</td>
</tr>
<tr>
<td>TBT</td>
<td>Agreements on Technical Barriers to Trade</td>
</tr>
<tr>
<td>TFEU</td>
<td>Treaty on the Functioning of the European Union</td>
</tr>
<tr>
<td>TRAN</td>
<td>Transport and Tourism Committee</td>
</tr>
<tr>
<td>TRIMs</td>
<td>Agreement on Trade-Related Investment Measures</td>
</tr>
<tr>
<td>TRIPS</td>
<td>Agreement on Trade Related Aspects of Intellectual Property Rights</td>
</tr>
<tr>
<td>TTIP</td>
<td>EU-US Transatlantic Trade and Investment Partnership</td>
</tr>
<tr>
<td>UCC</td>
<td>Union Customs Code</td>
</tr>
<tr>
<td>UCPD</td>
<td>Unfair Commercial Practices Directive</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
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<tr>
<td>--------------</td>
<td>------------------------------------</td>
</tr>
<tr>
<td>VAT</td>
<td>Value-added tax</td>
</tr>
<tr>
<td>WCT</td>
<td>WIPO Copyright Treaty</td>
</tr>
<tr>
<td>WIPO</td>
<td>World Intellectual Property Organization</td>
</tr>
<tr>
<td>WPPT</td>
<td>WIPO Performances and Phonograms Treaty</td>
</tr>
<tr>
<td>WTO</td>
<td>World Trade Organization</td>
</tr>
</tbody>
</table>
INTRODUCTION

This paper provides a graphic overview on core EU regulation on the Internal Market and consumer protection. It was prepared by the Policy Department A Economic and Scientific Policy and the Secretariat of the Committee on Internal Market and Consumer Protection (IMCO).

The objective is to offer the reader an at a glance understanding of the IMCO acquis législatif and, more generally of the ‘legislative landscape’ that frames our Committee’s work. Thus, for each of the various policy areas that make up the IMCO remit, a set of graphic charts describes the most relevant existing EU legislation and adjacent rules in the field, and how these different acts relate to each other.

The presentation is structured into three chapters, as follows:

1. **Single Market policies** (public procurement and concessions; free movement of services and persons/professionals; free movement of goods; the digital Single Market and e-commerce; Customs Union);

2. **Consumer protection** (general framework; redress; sectoral frameworks: transport and travel services; financial services; product safety and market surveillance) and


Most importantly the info-graphics show the legislation in force; pending proposals (i.e., legislative acts at all stages of procedure for which a Commission proposal has been published in the EU Official Journal, and for which the related final act has not yet been adopted) and any other relevant provisions of particular importance (e.g., implementing measures). In addition, some practical tools (e.g., websites, networks, scoreboards) have been included as well as EU external agreements covering domains subject to Single Market rules. The most important acts in a given policy area are indicated in bold. At the end of each section, explanatory notes may provide some additional detail for specific acts or policy areas, followed by complete references for all acts.

The info-graphics focus on core IMCO areas and legislation. Hence the presentation essentially covers those policy areas that fall within the responsibility of IMCO. However, to the extent that there may be linkages or overlaps with specific sectoral or other related policies, some neighbouring areas that fall under the competences of other committees’ of the European Parliament are also displayed where these are closely connected to and or impacting on IMCO’s work. Any such linkages and related competencies are clearly highlighted in the notes sections.

The drafting of this manuscript was finished in March 2015 and shows the situation at the time of writing, to the best knowledge of the authors. However, it is clear that the intended overview can only ever have the character of a ‘snapshot’, and does not pretend to be exhaustive. Therefore this overview should be considered as a living document which will be regularly updated as legislation and policy-making evolve over time.
**LEGEND: HOW TO READ THIS DOCUMENT**

**Infographics colour code**

<table>
<thead>
<tr>
<th>Colour</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>dark blue</td>
<td>Adopted legislative acts (i.e., that have been published in the Official Journal of the European Union (OJEU))</td>
</tr>
<tr>
<td>blue</td>
<td>Adopted delegated / implementing acts (only included where of particular relevance)</td>
</tr>
<tr>
<td>light blue</td>
<td>Legislative proposals (i.e., legislative initiatives at all stages of procedure for which a Commission proposal has been published, but where the final act has not yet been adopted)</td>
</tr>
<tr>
<td>grey</td>
<td>Communications, Green Papers, White Papers and other policy documents of non-binding nature (only included where of particular relevance)</td>
</tr>
<tr>
<td>orange</td>
<td>International agreements concluded by the EU that have entered into force</td>
</tr>
<tr>
<td>light orange</td>
<td>International agreements by the EU still under negotiation or concluded, but not yet in force</td>
</tr>
<tr>
<td>mauve</td>
<td>Possible forthcoming documents (i.e., initiatives for legislation or non-binding documents, for which no formal Commission proposal has been issued but which are scheduled with some certainty)</td>
</tr>
</tbody>
</table>

**Explanations**

**Dates:** The date mentioned in each box refers to the date of adoption of the act or document in question. The most important subsequent modifications or amendments of a given legal act are, when appropriate, indicated in the Notes.

**Fonts:** normal (directives), *italics* (regulations), **bold** (important acts in a given field/policy area)

**Notes:** At the end of each section, below the infographics chart boxes, detailed notes provide additional information on a particular act, legislation or policy area.

**Order:** The infographics present legislative acts and documents according to thematic clusters, in reverse chronological order, with important acts in **bold**. Those legislative acts considered to be of general application or scope are generally on the left of each category or subcategory, the more sectorally oriented ones on the right. The **size of boxes** may vary depending on editorial constraints and is not related to the relevance of any given acts.

**References (endnotes):** At the end of the document, bibliographic endnotes reference the full official title of each act or document indicated in the infographics charts or notes, and provide hyperlinks to the corresponding page of the EuroLex repertory.

**Titles:** The infographics chart boxes contain only short hand titles of legal acts; the full official titles are provided in the endnotes.
1. SINGLE MARKET POLICIES

1.1. Public Procurement and Concessions

<table>
<thead>
<tr>
<th>General provisions</th>
<th>Sectoral provisions</th>
<th>Procurement Tools</th>
<th>International aspects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication on Community law applicable to contracts not or not fully subject to the procurement Directives (2006)$</td>
<td></td>
<td></td>
<td>Proposal on an International Procurement Instrument (IPI) (2012)$</td>
</tr>
</tbody>
</table>

Notes:

- Generally speaking, IMCO has the exclusive lead on public procurement-related files, with the exception of the International Procurement Instrument (IPI).
- The EP position on IPI was adopted in 1st-reading; at the January 2014 plenary, the file was referred back for further consideration to the lead Committee on International Trade (INTA); IMCO is associated under rule 54 of the Rules of Procedure.
- Principles for procurements not or not fully subject to the above directives are set out in a 2006 Commission interpretative communication. It applies to:
  - low-value contracts below the directives' thresholds with a cross-border interest and
  - contracts for which the directives provide limited rules, e.g. health and legal services.
- In the new legislative term, COM is expected to focus on, notably, transposition assistance and implementation of the revised key 'classic' and 'utilities' directives adopted in 2014, as well as necessary alignments. Some reporting clauses are foreseen on the functioning of the internal market for concessions (2017) and on the uptake of e-invoicing in public procurement (2017).

EP Studies:

- Contribution of Internal Market and Consumer Protection to Growth (2015)
- Analytical Overview of the Legal Framework of EU Member States regarding the Awarding of Concession Contracts (2012).
- The Impact of the Lisbon Treaty in the field of public procurement (2010);
- Concessions (2010).

N.b. Links are as accessed in October to December 2014. Where available, links lead to (non-official) consolidated versions

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13 Commission interpretative communication on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives, OJ C 179, 01.08.2006, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52006XC0801(01).
### 1.2. Free Movement of Services and Persons (professionals)

**Treaty provisions: Art 49 TFEU on freedom of establishment and Art 56 TFEU on freedom to provide services**

<table>
<thead>
<tr>
<th>I - General provisions</th>
<th>Credit and retail financial services</th>
<th>Insurance services</th>
<th>Payment services</th>
<th>Transport</th>
</tr>
</thead>
</table>

**Notes:**

- Self-employed persons and professionals or legal persons within the meaning of Art. 54 TFEU who are legally operating in one Member State may: (i) carry on an economic activity in a stable and continuous way in another Member State (freedom of establishment: Art. 49 TFEU) or (ii) offer and provide their services in other...
Member States on a temporary basis while remaining in their country of origin (freedom to provide services: Art. 56 TFEU).

This implies eliminating discrimination on the grounds of nationality. Also, for these freedoms to be used effectively, the adoption of measures to ease their exercise – e.g. harmonisation of national access rules or mutual recognition - is required.

- Whereas the general legislative framework regulating the free movement of services and persons (professionals) falls within the responsibility of IMCO, many of the relevant sectoral regulations are under the lead responsibility of other committees of the European Parliament, such as Employment and Social Affair Committee (EMPL), Economic and Monetary Affairs Committee (ECON) or Transport and Tourism Committee (TRAN). For the sake of completeness, these references have also been included.

- Files relating to company law and the freedom of establishment, such as the proposal for a Directive on Single-Member Limited Liability Companies (COM 2014/212/EU) and the proposal for a Directive on the protection of undisclosed know-how and business information against their unlawful acquisition, use and disclosure (trade secrets) (COM 2013/0813 final) are not included in the chart as they fall generally within the ambit of Legal Affairs Committee (JURI).

EP Studies:
- Contribution of Internal Market and Consumer Protection to Growth (2015)
- Consumer Protection Aspects of Financial Services (2014)
- A European Single Point of Contact (2013)
- Basic Banking Services (2011)

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### 1.3. Free Movement of Goods

<table>
<thead>
<tr>
<th>Non-harmonised products</th>
<th>Harmonised products</th>
<th>Sectoral provisions</th>
<th>Standardisation</th>
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</thead>
<tbody>
<tr>
<td><strong>Mutual recognition Regulation (2008)</strong>&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Decision on a common framework for the marketing of products (2008)&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Low Voltage Directive (2014)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Type-approval Regulation of two or three wheel vehicles and quadricycles (2013)&lt;sup&gt;5&lt;/sup&gt;</td>
</tr>
<tr>
<td></td>
<td>Radio Equipment Directive (2014)&lt;sup&gt;18&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pressure Equipment Directive (2014)&lt;sup&gt;19&lt;/sup&gt;</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Construction Products Regulation (2011)&lt;sup&gt;24&lt;/sup&gt;</td>
<td>Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (2011)&lt;sup&gt;24&lt;/sup&gt;</td>
<td></td>
</tr>
<tr>
<td>Review of Mutual Recognition Regulation</td>
<td></td>
<td></td>
<td>Communicati on on European Industrial Renaissance (2014)&lt;sup&gt;45&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

### Notes:
- The right to free movement of goods originating in Member States, or of goods from third countries which are in free circulation in the Member States, is one of the fundamental principles of the Treaty (Article 28 TFEU).
Originally, free movement of goods was seen as part of a customs union between the Member States, involving the abolition of customs duties, quantitative restrictions on trade and equivalent measures, and the establishment of a common external tariff for the Community. Later, the emphasis was laid on eliminating all remaining obstacles to free movement of goods with a view to creating the internal market — an area without internal borders, in which goods could move as freely as on a national market.

EP Studies:

- Contribution of Internal Market and Consumer Protection to Growth (2015)
- Product Safety and Market Surveillance Package (2014)
- Market Surveillance in Relation to Type-Approval Requirements (2011)
- The Regulation of the Marketing of Construction Products (2010)


Communication from the Committee to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions For a European Industrial Renaissance, COM/2014/014 final, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014DC0014.
## 1.4. Digital Single Market and eCommerce

<table>
<thead>
<tr>
<th>Electronic communication services and infrastructure</th>
<th>Trust and security</th>
<th>Consumer protection in the digital era</th>
<th>E-Commerce and online services</th>
<th>E-government</th>
<th>Data protection and copyright</th>
</tr>
</thead>
</table>

### EP Studies:
Net Neutrality Revisited: Challenges and Responses in the EU and in the US (2014)
Streaming and online access to content and services (2014)
European Single Points of Contact (2013)
Reforming the Data Protection Package (2012)
A pan-European Trustmark for e-Commerce: Possibilities and Opportunities (2012)
Cloud computing (2012)
Consumer behaviour in a digital environment (2011)

Notes:

- The EU Digital Single Market is a harmonised and integrated European market without barriers that would hinder the use of digital and online technologies and services; which encourages cross-border online trade, investments in new online services and applications as well as in digital infrastructure and high level of e-skills and e-readiness.

- Completing the digital Single Market for Europe is the aim of one of the Europe 2020 flagship initiatives: A digital agenda for Europe. The aim is to speed up the roll-out of high-speed internet and reap the benefits of a digital single market for households and firms. European Council indicates at 2015 as the deadline for completing the Digital Single Market.


DG Connect Management plan for 2014 indicates an objective of ensuring that all Europeans have access to digital services through a review of the current scope of universal service at EU level, http://ec.europa.eu/ntwork/synthesis/amp/doc/cnect.mp_en.pdf.


1.5. Customs Union

<table>
<thead>
<tr>
<th>General provisions</th>
<th>Customs and intellectual property rights</th>
<th>Tariff and non-tariff instruments</th>
<th>Mutual assistance and e-customs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Communication on the state of the Customs Union (2012) 15</td>
<td></td>
<td>Proposal for a Regulation on mutual assistance in customs and agricultural matters (2013) 14</td>
</tr>
<tr>
<td></td>
<td>Communication on Customs Risk Management and security of supply chain (2012) 16</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Communication on governance of the Customs Union</td>
<td>Council resolution on an EU Customs Action Plan to combat IPR infringements 2013-2017 (2012) 17</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Council resolution on an EU Customs Action Plan to combat IPR infringements 2018-2022</td>
<td>CCIP amendment on eManifest (‘Blue Belt initiative’)</td>
<td>eCustoms Decision on paperless customs (2014) 18</td>
</tr>
</tbody>
</table>

Notes:

- **General provisions:** The Union Customs Code (UCC) entered into force on 30 October 2013 and will apply from 1 May 2016, replacing the present Community Customs Code. The end of the IT transitional period is 31 December 2020. The corresponding Delegated Acts and Implementing Acts are expected to be adopted before 1 May 2016.

- **Tariff and non-tariff instruments:** The Commission regularly adopts measures relating to suspensions and quotas for certain agricultural and industrial products. 19

- **Customs and intellectual property rights:** A similar EU-China IPR Action Plan was launched in 2009 and extended until 2012. 20

EP Studies:

- Contribution of Internal Market and Consumer Protection to Growth (2015)
- From Shadow to Formal Economy: Levelling the Playing Field in the Single Market (2013)
- Implementation of the Modernised Customs Code (2012)

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12 Council Regulation (EC) 515/97 of 13.3.97 on mutual assistance between the administrative authorities of the MSs and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.97, p.1), http://ec.europa.eu/anti_fraud/documents/legal-framework-documents/consolidated/r515_97_en.pdf. (Recently amended by proposal for a Regulation amending Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters)


Policy Department A: Economic and Scientific Policy


## 2. CONSUMER PROTECTION

### 2.1. General framework for consumer protection

<table>
<thead>
<tr>
<th>Policy programme and financial instrument</th>
<th>Consumer and marketing law</th>
<th>Enforcement</th>
</tr>
</thead>
</table>
| European Consumer Agenda (2012)
| Consumer Rights Directive (CRD) (2011)
| Guidance on CRD (2014)
| Communication on application of UCPD (2013)
| Report on the functioning of the CPC Regulation (2014)
| | Guidance on UCPD (2009)
| Consumer Programme Mid-Term Review (due by Sept. 2017) and legislative proposal or delegated act (due by Dec. 2017)
| Evaluation report on CRD and legislative proposals (due by Dec. 2016)
| Revision of the Misleading and Comparative Advertisement Directive
| Revision of the UCPD Guidance

### Notes:

- This chart maps the legislation falling under the competence of the IMCO Committee. For the sake of completeness, it includes other relevant legislation. Thus, while the Committee on Legal Affairs (JURI) is generally responsible for civil and commercial law files, the proposal for a Common European Sales Law (CESL) Regulation is of the competence of both IMCO and JURI as associated committees, with JURI in the lead. A possible revision of the Unfair Contract Terms Directive would likely follow a similar regime.

Parliament adopted in February 2014 in first reading the proposal for a CESL Regulation. The proposal is now to be adopted by the Council. Whilst the reference appears under the category "consumer contract law", the scope of the proposal, as stated at that stage, includes both business-to-consumers and business-to-business transactions.

The Consumer Rights Directive replaces by 13 June 2014 the Doorstep Selling Directive 85/577/EEC and the Distance Selling Directive 97/7/EC which are consequently not displayed above. For contracts before that date, the latter Directives continue to apply. In addition, the Consumer Sales and Guarantees Directive and
the **Unfair Contract Terms Directive** were slightly modified by the Consumer Rights Directive in 2011. Since its adoption, the **Consumer Protection Cooperation Regulation** has been amended several times (latest modification:2013).

- The **Regulation on the law applicable to contractual obligations ("Rome I" Regulation)** applies to contractual obligations in civil and commercial matters in the event of a conflict of laws, including business-to-consumer contracts. Art. 6 and 9 of the Regulation specifically aim at protecting consumers. Questions on the relationship between the Rome I Regulation and the proposal for a Common European Sales Law Regulation have been raised.

**EP Studies:**

- Misleading packaging practices (2011)
- Information requirements in the CRD (2011)
- Application of the CRD to digital content (2011)
- Misleading advertising on the internet (2010)
- Implementation of provision on advertisement in unfair commercial practices legislation (2010)


### 2.2. Redress

<table>
<thead>
<tr>
<th>In-Court settlement</th>
<th>Out-of-Court settlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Enforcement Order Regulation (2004)^9</td>
<td></td>
</tr>
<tr>
<td>Proposal for revision Order for Payment and Small Claims Regulations (2007)^12</td>
<td></td>
</tr>
<tr>
<td>Communication on Collective Redress (2013)^13</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

- Several committees may be competent for legislation on consumer redress. Thus the general legislation relating to civil and procedural law (order for payment, small claims procedure, enforcement order, injunctions, mediation) presented here falls into the competence of the Committee on Legal Affairs (JURI). However, for the sake of completeness and better understanding of consumer redress issues, these are being included in the chart. The proposed Directive on damages for infringements of competition law is in the competence of the Committee on Economic and Monetary Affairs (ECON).

- The Directive on Consumer Alternative Dispute Resolution (ADR) must be transposed into national law by Member States by 9 July 2015 and the Regulation will be directly applicable in Member States from 9 January 2016. Previously to the Directive on alternative dispute resolution, the Commission had endeavoured to promote the greater use of ADR procedures in consumer disputes in two recommendations on principles which ADR bodies are encouraged to adhere to (see Commission Recommendation 98/257/EC on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes^14 and Commission Recommendation on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes^15). These recommendations will be replaced by the new legislation.

- It is worth mentioning private international law as a tool for the use of national redress and enforcement instruments in cross-border disputes: the Brussels I Regulation^16 on jurisdiction and recognition and enforcement of judgements and the
Rome I\textsuperscript{17} and Rome II Regulations\textsuperscript{18} for identifying the applicable law for contractual and non-contractual obligations.

- The EU approach to collective redress is twofold: the EC published non-binding principles for collective redress mechanisms in the Member States (Recommendation on collective redress). In the specific area of competition, the EC went further and made a proposal for a binding text (proposal for a Directive on certain rules governing actions for damages under national law for infringements of the competition law provisions). The Directive was adopted by Parliament in April 2014.

EP studies:

- 'Rebooting' the Mediation Directive: Assessing the Limited Impact of its Implementation and Proposing Measures to Increase the Number of Mediations in the EU (2014)
- Collective Redress in Antitrust (2012)
- Assessing the scope of Online Dispute Resolution (ODR) platform (2012)
- Optimal integration of the European Dispute Resolution Platform (2012)
- Why is mediation not used more often as a means of alternative dispute resolution? (2012)
- Overview of existing collective redress schemes in EU Member States (2011)
- Cross-Border Alternative Dispute Resolution (ADR) in the EU (2011)
- The Consumer Experience of Mediation in England and Wales (2011)
- Lessons Learned from Implementation of the Mediation Directive: the Judges' Point of View (2011)


### 2.3. Sectoral frameworks: Transport and Travel Services

<table>
<thead>
<tr>
<th>Transport</th>
<th>Road and rail</th>
<th>Maritime</th>
<th>Travel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulation on the rights of disabled persons and persons with reduced mobility when travelling by air (2006)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>Regulation on rail passengers’ rights and obligations (2007)&lt;sup&gt;6&lt;/sup&gt;</td>
<td>Regulation on the liability of carriers of passengers by sea in the event of accident (2009)&lt;sup&gt;7&lt;/sup&gt;</td>
<td>Package Travel Directive (1990)&lt;sup&gt;8&lt;/sup&gt;</td>
</tr>
<tr>
<td>Proposal modification Regulations on Air Passenger Rights (2013)&lt;sup&gt;12&lt;/sup&gt;</td>
<td></td>
<td></td>
<td>Review on the implementation of the Timeshare Directive (due by 23.02.2014)</td>
</tr>
<tr>
<td>Communication on passenger rights in all transport modes (2011)&lt;sup&gt;13&lt;/sup&gt;</td>
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<td></td>
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</tbody>
</table>

**Notes:**
- Regulations on transport fall under the competence of the Committee on Transports (TRAN). However, as some of them reinforce passenger - i.e. consumers - rights, the chart presents the most relevant legislation related to passenger rights in all modes of transport (air, road, rail and maritime).
- Timeshare and Package Travel are IMCO’s competence.
- **Regulation 2111/2005** on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier gives passengers the right to be informed of the identity of the carrier operating their flight and reinforces Member States' obligation to exchange safety-related information.

**EP studies:**
- Implementation of the Package Travel Directive (2012)
- Consumer Rights in Civil Aviation (2010)
- Study on Online Hotel Reservation Systems (2009)


### 2.4. Sectoral frameworks: Financial Services

<table>
<thead>
<tr>
<th>Credit &amp; retail services</th>
<th>Payment services</th>
<th>Insurance</th>
<th>Redress &amp; education</th>
<th>Specific consumer protection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposal Multilateral interchange Fees (2013)²⁸</td>
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</tr>
<tr>
<td></td>
<td>Communication on regulating financial services for sustainable growth (2010)²⁹</td>
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<tr>
<td></td>
<td>Communication on long-term financing of European Economy (2014)³²</td>
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</tbody>
</table>

**Notes:**

- General consumer protection is in the ambit of the **IMCO Committee** while ECON covers specific financial services related legislation. IMCO is usually associated to files concerning consumer protection in financial services.

- The **Consumer Rights Directive replaces** by 13 June 2014 the **Doorstep Selling Directive 85/577/EEC**³³ and the **Distance Selling Directive 97/7/EC**³⁴ which are consequently not displayed above. For contracts concluded before that date, those
latter Directives continue to apply (see info-chart 2.1 General framework for consumer protection).

- **Proposal KID/PRIIPs** (see above and in chapter 2.) refers to consumer protection aspects by requiring a standardised **Key Information Document** (KID) to be provided to retail investors before they purchase certain types of retail investment products.

- The above mentioned **Proposal for a European Common Sales Law Regulation** and the **Small Claims Procedure Regulation** relevant for consumers pertain also to the area of civil law (see chapter 14.).

**EP Studies:**
- **Consumer Protection Aspects of Financial Services** (2014)
- **Compilation of Briefing Papers on Consumer Vulnerability** (2012)
- **Basic Banking Services** (2011)

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## 2.5. Product safety and Market Surveillance

<table>
<thead>
<tr>
<th>Horizontal legislation</th>
<th>Sector-specific product safety legislation</th>
<th>Alignment with the New Legislative Framework (NLF) legislation</th>
<th>Other legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Product safety</strong></td>
<td><strong>Market Surveillance</strong></td>
<td><strong>Other legislation</strong></td>
<td></td>
</tr>
<tr>
<td>Proposal for Medical Devices Regulations (2012)</td>
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</tbody>
</table>

### Notes:
- IMCO is generally responsible for product safety legislation. However, the legislation dealing with specific products is in many cases not of IMCO’s competence. For instance, the legislation dealing with substances (cosmetics, dangerous substances, etc.) or medical devices are of the competence of the ENVI Committee. As this overview focuses on the consumer protection areas relevant for IMCO, the chart only...
presents some of the most important sector-specific legislation and excludes food-related legislation (e.g. the Directive on dangerous imitation\textsuperscript{10}).

- Given the large amount of legislation on consumer safety, the list of sector-specific product safety legislation presented here is not exhaustive. Thus it does not include all the harmonised standards set up in support of the General Product Safety Directive. Also, the large number of delegated and implementing acts, which are of particular importance for safety issues, are not included in the chart either.

- Furthermore, the chart only focuses on legislation (Regulation, Directives and Decisions), legislative proposals and non-binding texts (communications, recommendations). This is exclusive of the different practical actions, initiatives and tools set up in support of EU policies, for example the EU rapid alert system facilitating the exchange of information on products posing a serious risk to the health and safety of consumers (RAPEX).

- The category "Alignment with the New Legislative Framework (NLF) legislation" includes technical legislation related to standardisation that has incorporated the provisions of Decision 768/2008 concerning a common framework for the marketing of products. This decision contains consolidated and standardised technical horizontal instruments to ensure better consistency of the legislation. Alignment of new legislation in the area of product safety and market surveillance as well as of the existing legislation (when revision is foreseen) is done progressively.

  The NLF package consists of three texts: Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products; Decision 768/2008/EC; and Regulation (EC) No 764/2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State\textsuperscript{31}. Some of those pieces of legislation go beyond pure alignment to the NLF.

- General principles for the CE marking are laid down by Regulation (EC) No 765/2008 and Decision No 768/2008/EC\textsuperscript{32}.

- Apart from product safety, safety when using a service is also to be considered. The Commission has launched in 2014 a Green Paper on the Safety of tourism Accommodation Services\textsuperscript{33}.

EP studies:

- The Product Safety and Market Surveillance Package (2014)
- Hotel fire safety: the case for legislation (2013)
- Approval and market surveillance of two or three Wheeled vehicle and quadricycles (2012)
- Market surveillance in relation to type approval requirements (2011)
- Effectiveness of Market Surveillance in the Member States (2009)


3. SINGLE MARKET GOVERNANCE

3.1. Single Market programming and governance documents

<table>
<thead>
<tr>
<th>Single Market programming</th>
<th>Single Market governance guidelines &amp; recommendations</th>
<th>“EU Semester” exercise</th>
</tr>
</thead>
</table>

Notes:

- In recent years, Single Market policy coordination has been structured around specific work programmes, namely the Single Market Acts (SMA I and SMA II). In addition, more general guidelines and recommendations have been adopted with a view to improving the transposition and coherent implementation of EU law in the Single Market.

- Member States' economic policies are coordinated at EU level through the annual 'European Semester' exercise. Launched in 2010, it synchronises the timing of economic and fiscal policy reporting and evaluation at EU level, and introduces ex-ante coordination of national economic policies. The Annual Growth Survey (AGS) is the first step launching the European Semester annual cycle. The AGS sets out the broad EU economic priorities for the year to come. It is accompanied by different documents including, e.g. country-specific recommendations for each Member State, along with an overarching Commission communication and a Staff Working Document assessing the implementation of previous country-specific recommendations. Specific reports are also attached, such as the Joint Employment Report and an annual Report on Single Market Integration. Published since 2012, the latter analyses how the single market works in key areas with the greatest growth potential and points out possible gaps in implementing EU legislation.

EP studies:

- Contribution of Internal Market and Consumer Protection to Growth (2015)
- Single Market Act: state of play (Update 2014)
- **Towards indicators for measuring the performance of the Single Market** (2014)
- **From Shadow to Formal Economy: Levelling the Playing Field in the Single Market** (2013)
- **Performance-based full policy cycle for the digital single market** (2013)
- **Better Governance of the Single Market** (2013)

3.2. Single Market governance tools

<table>
<thead>
<tr>
<th>Information tools</th>
<th>Monitoring tools</th>
<th>Problem solving tools</th>
<th>Tools for administrative cooperation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your Europe / You Europe Advice portal¹</td>
<td>Single Market Scoreboard² (annual publication)</td>
<td>&quot;EU Pilot&quot; platform³</td>
<td>Internal Market Information System (IMI)⁴</td>
</tr>
<tr>
<td>European Consumer Centres Network (ECC-Net)⁵</td>
<td>Consumer Markets Scoreboard⁶ (annual publication)</td>
<td>SOLVIT service portal⁷</td>
<td>Consumer Protection Cooperation (CPC) Network⁸</td>
</tr>
<tr>
<td>European Employment Services Network (EURES)⁹</td>
<td>Consumer Conditions Scoreboard¹⁰ (annual publication)</td>
<td></td>
<td></td>
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<tr>
<td>Points of Single Contact (PSCs)¹¹</td>
<td></td>
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<tr>
<td>Enterprise Europe Network (EEN)¹²</td>
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</tbody>
</table>

Notes:

- The chart presents practical “Single Market tools”, i.e. the websites, platforms, networks etc. set up by the Commission in support of the EU policy on Single Market governance. Unlike the other charts in this document, the aim here is not to present the legislative and non-legislative acts in force, but to give an overview of the existing tools. The footnotes therefore refer to the texts used as a legal basis for creating the tools.

- Regarding monitoring tools, a number of other tools and reports in specific sectors are also available, for example the EC Report on Financial integration in Europe¹³ or the EC report on public procurement introduced in the Single Market Scoreboard¹⁴.

- The Points of Single Contact have been set up in all the Member States under the EU ‘Services Directive’. They provide businesses with information relating to business opportunities and related legislation and allow them to complete online administrative procedures for setting up a business in all the Member States.

- "EU Pilot" is an online platform used by Member States and the European Commission to communicate and clarify the factual and legal background of problems arising in relation to the conformity of national law with EU law or the correct application of EU law.

EP studies:

- A European Single Point of Contact (2013)
- Data protection in the IMI system (2012)


The network of European Consumer Centres (ECC-Net) gives information and advice to consumers on their rights in the EU and helps them with their disputes with traders in other EU countries. ECC-Net is a result of the merger in 2005 of two existing consumer protection networks (EEJ-Net and the Network of Euroguichet), http://ec.europa.eu/consumers/ecc/index_en.htm.


The Enterprise Europe Network was established in 2008 under the Competitiveness and Innovation Programme (2007-2013). It builds on the former Euro Info Centre (EIC) and Innovation Relay Centre (IRC) Networks, established in 1987 and 1995 respectively, http://een.ec.europa.eu/.


3.3. External dimension of the Single Market: Multilateral and plurilateral agreements

<table>
<thead>
<tr>
<th>Free movement of goods</th>
<th>Free movement of persons</th>
<th>Free movement of services</th>
<th>Free movement of capital</th>
<th>Public procurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreement on Import Licensing Procedures (1994)⁷</td>
<td>Agreement on Technical Barriers to Trade (TBT) (1994)⁸</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Agreement on Tariffs and Trade (GATT) (1994)¹¹</td>
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<tr>
<td>Agreement on Trade in Civil Aircraft (1979)¹²</td>
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</tbody>
</table>

Notes:

- This chart aims at presenting the main multilateral and plurilateral international agreements between the EU and third countries and regions that cover issues of interest for the IMCO Committee.
- Therefore, the presentation excludes:
  - Internal EU regulations such as the proposal for a regulation on access to international public procurement markets (IPI)¹³ and the Strategy for the protection and enforcement of intellectual property rights in 3rd countries¹⁴;
  - International agreements touching upon Internal Market policies but with no direct link to the core issues dealt with by the IMCO Committee (e.g. competition, energy, intellectual property rights, financial services, investment, food, animal and plants products). These agreements include e.g. the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)¹⁵, the Fifth Protocol to GATS on financial services¹⁶, the WIPO Copyright Treaty (WCT)¹⁷ and the WIPO Performances and Phonograms Treaty (WPPT)¹⁸, the WTO Agriculture Agreement¹⁹, the WTO Agreement on the Application of the Sanitary and Phytosanitary Measures (SPS Agreement)²⁰, the WTO Anti-dumping Agreement²¹, the Agreement on Trade-Related Investment Measures (TRIMs)²².
- EU-enlargement issues and the Agreement on the European Economic Area (EEA) are also excluded from the chart.
The basic structure of the WTO agreements is made of the umbrella "WTO agreement" (Agreement establishing the WTO); three agreements defining the basic principles in the three areas covered by the WTO (goods, services, intellectual property); dispute settlements and a trade policy review mechanism.

In addition to the sectoral agreements (GATT for goods, GATS for services and TRIPS for intellectual property), further additional agreements and annexes cover specific sectors (except for TRIPS) and lists of commitments made by individual countries. The chart only presents the most important additional agreements and annexes to the extent that the IMCO Committee’s competences are concerned.

The provisions of the GATT 1947 (international treaty predating the WTO Agreement incorporated into the GATT 1994) continue to have legal effect as part of the GATT 1994, itself a component of the WTO Agreement.

The GATS comes with different annexes dealing with rules for specific sectors, such as the 2nd Protocol to the GATS (movement of natural persons); 4th Protocol to the GATS (telecommunications); 5th Protocol to the General Agreement on Trade in Services (GATS).

The Agreement on Trade in Civil Aircraft and the WTO Government Procurement Agreement (GPA) are plurilateral agreements. The revised WTO Government Procurement Agreement (GPA) entered into force on 6 April 2014.

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24 For a complete list of WTO agreements and their annexes see: [http://www.wto.org/english/docs_e/legal_e/ursum_e.htm#Agreement].


### 3.4. External dimension of the Single Market: Bilateral agreements

<table>
<thead>
<tr>
<th>Free movement of goods</th>
<th>Free movement of persons</th>
<th>Free movement of services</th>
<th>Free movement of capital</th>
<th>Public procurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU-Iraq Partnership and Cooperation Agreement (2012)⁵</td>
<td></td>
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</tr>
<tr>
<td>Agreements with American countries¹¹</td>
<td>Agreements with American countries¹¹</td>
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<tr>
<td>Agreements with Mediterranean countries¹²</td>
<td>Agreements with Mediterranean countries¹³</td>
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<tr>
<td>EU-Switzerland Free Trade Agreement (1972) and additional protocols</td>
<td>EU-Switzerland &quot;Bilateral Agreements I&quot; (1999) and &quot;Bilateral Agreements II&quot; (2004)¹⁵</td>
<td></td>
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<tr>
<td>EU-Switzerland Agreement on certain aspects of government procurement (part of &quot;Bilateral Agreements I&quot;) (1999)¹⁶</td>
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<tr>
<td>EU-Canada Comprehensive Economic and Trade Agreement (CETA)</td>
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<tr>
<td>EU-US Transatlantic Trade and Investment Partnership (TTIP)</td>
<td>EU-US Transatlantic Trade and Investment Partnership (TTIP)</td>
<td>EU-US Transatlantic Trade and Investment Partnership (TTIP)</td>
<td>EU-Singapore Free Agreement</td>
<td>EU-China Investment Agreement</td>
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<td>EU-Singapore Free Agreement</td>
<td>EU-Singapore Free Agreement</td>
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<tr>
<td>EU-Ukraine Association Agreement</td>
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</table>

**Notes:**

- This chart aims at presenting the main bilateral international agreements between the EU and third countries and regions that cover issues of interest for the IMCO Committee.
- Therefore, the presentation excludes:
  - Internal EU regulations such as the proposal for a regulation on access to international public procurement markets (IPI)¹⁷ and the Strategy for the protection and enforcement of intellectual property rights in 3rd countries¹⁸;
International agreements touching upon Internal Market policies but with no direct link to the core issues dealt with by the IMCO Committee (competition, energy, intellectual property rights, financial services, investment, food, animal and plants products). These include for instance the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), the Fifth Protocol to GATS on financial services, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), the WTO Agriculture Agreement, the WTO Agreement on the Application of the Sanitary and Phytosanitary Measures (SPS Agreement), the WTO Anti-dumping Agreement, the Agreement on Trade-Related Investment Measures (TRIMs).

- EU-enlargement issues.
  
  • The scope of each bilateral agreement presented in the chart depends on the negotiations that took place between the EU and the country concerned. Therefore, the agreements appearing under one specific issue (e.g. free movement of services) may differ as regards the scope and intensity of the commitments.
  
  • Regarding the agreements under negotiation or not yet in force, only the main agreements are presented. In addition, the areas covered by these agreements and presented in the chart must be considered as provisional as the scope of each agreement will depend on the outcome of the negotiations.
  
  • Agreements EU-Switzerland:
    
    - "Bilateral Agreements I" is a package of seven sectoral agreements with the Swiss Confederation (free movement of persons, air and land transport, public procurement, scientific and technological cooperation, mutual recognition in relation to conformity assessment, and trade in agricultural products). The "Bilateral Agreements II" deal with different issues, such as the Schengen and Dublin agreements, the taxation of savings' interest, the fight against fraud, processed agricultural products, statistics, pensions, the environment, the MEDIA audiovisual programme, education, occupational training and youth.
    
    - There is no general agreement on free movement of services with Switzerland. However, a limited application of it in the Free Movement of Persons Agreement and in some specific sectors under specific agreements (e.g. the Transport Agreements). Free movement of capital is in principle not covered by bilateral agreements; but a minor element may be found in Art. 25 of Annex I attached to the Free Movement of Persons Agreement (Bilateral Agreements I), concerning the purchase of real estate.
  
EP studies:

- Internal Market beyond the EU: EEA and Switzerland (2010)


These refer to the following agreements: EU’s Trade agreement with Peru and Colombia (2012), EU-Chile Association Agreement (2003), EU-Central America Association Agreement (2012).


Agreement between the European Economic Community and the Swiss Confederation - Protocol No 1 concerning the treatment applicable to certain products - Protocol No 2 concerning products subject to special arrangements to take account of differences in the cost of agricultural products incorporated therein - Protocol No 3 concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation - Protocol No 4 concerning certain provisions relating to Ireland - Protocol No 5 concerning the treatment that may be applied by Switzerland to imports of certain products subject to the scheme for building up compulsory reserves - Final Act - Joint Declarations - Unilateral Declarations - Official Journal L 300, 31/12/1972, p. 189 - 280, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21972A0722(03):EN:HTML.


Policy Department
Economic and Scientific Policy

Role
Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas
- Economic and Monetary Affairs
- Employment and Social Affairs
- Environment, Public Health and Food Safety
- Industry, Research and Energy
- Internal Market and Consumer Protection

Documents