



**CONSIGLIO
DELL'UNIONE EUROPEA**

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NOTA

della:	Presidenza/Segretariato generale del Consiglio
al:	Comitato dei Rappresentanti permanenti (parte prima)
Oggetto:	Preparazione del Consiglio "COMPETITIVITÀ (MERCATO INTERNO, INDUSTRIA, RICERCA E SPAZIO) - LUSSEMBURGO - 10 E 11 OTTOBRE 2012 - Atto per il mercato unico I - Stato dei lavori - Dibattito orientativo

I. INTRODUZIONE

1. Il 13 aprile 2011 la Commissione ha presentato la comunicazione "L'Atto per il mercato unico - Dodici leve per stimolare la crescita e rafforzare la fiducia - "Insieme per una nuova crescita"¹. Tale comunicazione, basata sulla prima comunicazione della Commissione relativa all'Atto per il mercato unico presentata il 27 ottobre 2010, è incentrata su dodici progetti e contiene una precisa serie di proposte di azioni prioritarie intese a realizzare gli obiettivi indicati nella comunicazione al fine di rilanciare il mercato unico entro la fine del 2012.

¹ Doc. 9283/11.

Questi dodici strumenti per la crescita, la competitività e il progresso sociale contemplano temi come la mobilità dei lavoratori, il finanziamento delle PMI, la protezione dei consumatori, i contenuti digitali, gli appalti pubblici e le reti transeuropee. Lo scopo è quello di ridurre la barriera e di migliorare l'efficienza per tutti all'interno del mercato unico: imprese, cittadini, consumatori e lavoratori.

2. Il 30 maggio 2011 il Consiglio "Competitività" ha adottato conclusioni sulla suddetta comunicazione¹, in cui esorta *"gli Stati membri e il Parlamento europeo ad adottare entro la fine del 2012, in stretta cooperazione con la Commissione, una prima serie di misure prioritarie per rilanciare il mercato unico"* e invita la Commissione, tra l'altro, *"ad avviare una nuova fase dello sviluppo del mercato unico entro la fine del 2012, con l'obiettivo di approfondirlo ulteriormente"*.

II. STATO DEI LAVORI

3. Dopo la presentazione delle proposte legislative da parte della Commissione, gli Stati membri hanno intrapreso intensi sforzi e negoziati, nell'ambito degli organi preparatori legati alle varie formazioni del Consiglio e con il Parlamento europeo, riguardo alle dodici azioni prioritarie dell'Atto per il mercato unico I.

Tuttavia, ogni iniziativa legislativa esprime le proprie dinamiche e un diverso grado di reazione ai messaggi e agli impegni politici contenuti nelle conclusioni del Consiglio del 30 maggio 2011 nonché all'invito rivolto dal Consiglio europeo di adottare le misure di cui all'Atto per il mercato unico I entro la fine del 2012.

4. La situazione delle proposte legislative relative all'Atto per il mercato unico I è la seguente:
 - una è già stata adottata (standardizzazione)
 - sei sono in corso di definizione/adozione entro il dicembre 2012, come richiesto dal Consiglio europeo, a condizione che si mantenga l'attuale slancio (ADR/ODR, FEVC, FEIS, brevetti, RTE-E, direttiva contabile);

¹ 10659/11 COMPET 214

- su altre quattro è alquanto probabile che la scadenza non riesca ad essere rispettata (qualifiche professionali, appalti pubblici, firma elettronica e distacco dei lavoratori).

Tre delle proposte legislative sono connesse al QFP (RTE-E, RTE-T e CEF)

Una tabella dettagliata sullo stato dei lavori riguardo a tali proposte e informazioni della presidenza sugli ultimi sviluppi figurano nell'allegato della presente nota.

5. Tenuto conto di quanto precede, la presidenza ritiene che gli aspetti su cui è necessario uno sforzo consistente e concertato per raggiungere risultati, alla luce delle scadenze menzionate nelle conclusioni del Consiglio europeo, debbano essere sottoposti al Consiglio "Competitività" affinché dia ulteriore impulso politico e slancio ai futuri lavori sulle varie proposte.

Pertanto, la presidenza propone i seguenti quesiti per orientare il dibattito dei ministri:

Le attuali sfide economiche e sociali sembrano confermare che il mercato unico è una delle nostre principali risorse per la crescita e l'occupazione e che pertanto imprimervi nuovo slancio contribuirà a sfruttarlo pienamente. Considerati i notevoli sforzi necessari su una serie di azioni chiave dell'atto per il mercato unico I affinché tutte e 12 le azioni chiave possano essere adottate entro la fine del 2012, cosa può fare a vostro avviso il Consiglio "Competitività" per accelerare il processo di adozione?

Inoltre, una volta proceduto all'adozione, come garantire che le azioni chiave dell'atto per il mercato unico I siano attuate in modo tempestivo e corretto negli Stati membri, affinché i loro vantaggi possano essere trasferiti rapidamente a cittadini e imprese?

III. CONCLUSIONI

6. Si invita il Comitato dei Rappresentanti Permanenti a prendere conoscenza dei suddetti quesiti, nonché della tabella acclusa alla presente nota, in vista del dibattito orientativo previsto in sede di Consiglio "Competitività" l'11 ottobre 2012.

Presidency non-paper**State of play on the key proposals of the Single Market Act I**

Within the framework of the European Council (EC) follow-up process set up since March 2012 on the key proposals of the EU growth agenda, this note presents a general overview of the state of play regarding the priority measures of the Single Market Act I, prioritised by the EC. It aims to inform delegations and the President of the EC on areas where further political impetus may be required, in light of timelines mentioned in EC conclusions. This note is prepared under the sole responsibility of the Presidency. More detail on the status of each proposal is presented below.

Standardisation

EC deadline: June 2012

Current status: agreement reached, confirmed by Coreper on 5 June. Formal adoption underway (EP plenary vote took place on 11 September).

Unitary Patent

EC deadline: June 2012

Current status: The European unitary patent system package comprises a Regulation under the ordinary legislative procedure, a Council Regulation (translation arrangements) and the Unitary Patent Court (UPC) Agreement. The two Regulations have been prepared under enhanced cooperation procedures whereas the UPC is an international agreement between participating Member States. A first reading agreement was reached in principle on the main Regulation in ordinary legislative procedure end of 2011 (EP JURI Committee has voted in December 2011), but difficulties of some Member States with a particular element on the UPC delayed adoption. Following the compromise reached at the June European Council, the UPC agreement is being finalised and negotiations are underway with the EP on the regulation under the ordinary legislative procedure. The remaining step for adoption of the patent package is the EP plenary vote on the two regulations and the signing of the UPC agreement.

Planned steps: Informal contacts have been conducted during the summer and the first weeks of September in view of reaching an agreement, a goal shared by both co-legislators. The Presidency has been exploring several alternatives. The JURI parliamentary Committee is expected to hold a debate on 10 October.. In the event of an agreement with the EP, the EP plenary vote could take place in October. In the meantime the Friends of the Presidency group is actively pursuing the fine-tuning and finalisation of the UPC agreement. The aim is to reach a first reading agreement on the Regulation under the ordinary legislative procedure by the end of October, allowing the formal adoption of the two Regulations by the end of the year and the signing of the UPC agreement in the margins of the December COMPET Council.

Comments: Delay in respect to EC deadline but on track for adoption by end 2012, provided that both legislators have sufficient flexibility.

Venture capital and Social entrepreneurship funds

EC deadline: June 2012.

Current status: The two proposals (Regulation on European Venture Capital Funds; Regulation on European Social Entrepreneurship Funds) were adopted by the Commission in December 2011; both fall under the ordinary legislative procedure and are treated as a package by the Presidency. Five trilogues took place in June, but the compromise proposed on 28 June could not be confirmed by Coreper. Informal meetings between Council and the EP rapporteurs of both proposals continued in July with a view to continuing the trilogues. Despite initial intention of the EP to vote on the resolution in September, the EP finally held a partial plenary vote, allowing the first reading to continue. The Presidency has sent a letter in September to the rapporteurs and the parliamentary Committee chair reiterating the Council's aim which is a first reading agreement by end 2012.

Planned steps: The Presidency will continue its contacts with the EP with the aim of reaching a first reading agreement.

Comments: Agreement by end 2012 can be reached provided that both legislators have sufficient flexibility.

Dispute resolution for consumers

EC deadline: June 2012.

Current status: The two proposals (Directive on alternative dispute resolution for consumer disputes; Regulation on online dispute resolution for consumer disputes) were adopted by the Commission end November 2011; both fall under the ordinary legislative procedure. They are treated as a package by the Presidency. A general approach has been reached on both files in the May COMPET Council. The EP IMCO committee vote took place on 10 July.

Planned steps: Trilogues started on 18 September and further ones have been scheduled for 10, 17 October and 6 November. The EP plenary vote is scheduled for December. The aim is to reach a first reading agreement by the end of the year

Comments: Delay in respect to EC deadline but on track for adoption by end 2012, provided that both legislators have sufficient flexibility.

Accounting Directive

EC deadline: June 2012.

Current status: The legislative proposal (Directive on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings) was adopted by the Commission in October 2011. A mandate for negotiating a first reading agreement with the European Parliament was given to the Presidency on 3 May, but given the internal EP calendar trilogues could not start and a general approach has been adopted in June. The issue of level of transparency will be key in reaching an agreement with the EP.

Planned steps: The EP JURI Committee vote took place on 18 September. In the light of this report, the Presidency plans to submit the file to Coreper on 17 October in order to obtain a revised mandate for trilogue. It has been agreed with the EP to start trilogues as soon as possible (in the second half of October); dates are being currently discussed. It has also been agreed that the trilogues will first deal with Chapter 9 on report on payments to governments of the Accounting Directive. This issue being also included in the Transparency Directive, joint trilogues will be organised on Chapter 9 of the Accounting Directive and the Transparency Directive. The remaining, less controversial issues on simplification in the Accounting Directive will be dealt with at subsequent trilogues. The aim is to reach a first reading agreement by end of year.

Comments: Adoption by end 2012 remains challenging but not impossible.

Public procurement

EC deadline: December 2012.

Current status: The package comprises 3 legislative proposals (Directive on public procurement, Directive on award of concession contracts, Directive on procurement by entities operating in the water, energy, transport and postal services sectors), adopted by the Commission in December 2011. Orientation debates took place at the February and May COMPET Councils.

Planned steps: The EP IMCO committee vote was postponed for end of November/ early December. This no longer allows a first reading agreement by the end of the year as initially intended by the Presidency; the aim is now to reach a General approach.

Comments: The EC deadline is likely to be missed, given the EP timetable.

Mutual recognition of professional qualifications

EC deadline: December 2012.

Current status: The Commission proposal (Directive on the recognition of professional qualifications) was adopted in December 2011. After 5 working party meetings, the 30 May COMPET Council held an orientation debate. Work is now intensifying at technical level on the outstanding issues, in particular the European Professional Card and related administrative burdens, the transparency exercise concerning regulated professions in Member States as well as certain sectoral issues.

Planned steps: Given the complexity of the file in Council, the Presidency is making all possible efforts to progress this proposal as much as possible. The EP IMCO Committee vote is planned for 28 November 2012.

Comments: The deadline of end of 2012 set by the EC is likely to be missed given the current speed of progress in negotiations and taking into account the EP timetable.

E-signature

EC deadline: December 2012.

Current status: Proposal (Regulation on electronic identification and trust services for electronic transactions in the internal market) adopted by the Commission on 4 June and presented in the TTE (Telecom) Council of 8 June 2012. The examination of the text has started at working party level.

Planned steps: progress report at December TTE (Telecom) Council.

Comments: The deadline of end of 2012 set by the EC is likely to be missed given the delay of Commission's proposal.

Connecting Europe Facility

EC deadline: December 2012.

Current status: The proposal (CEF) was adopted by the Commission in October 2011 and is closely related to the MFF 2014-2020. A partial general approach was reached at the June TTE Council.

Planned steps: The EP TRAN-ITRE joint committee vote is scheduled on 27 November, not allowing trilogues to start before that date. The Friends of the Presidency group is progressing intra-Council discussions with the aim of a partial General Approach.

Comments: Complying with the EC deadline requires the conclusion of the MFF and no delays in EP timetable. Consistency will have to be ensured with the three TEN proposals: Transport, Energy, and Telecommunications.

Trans-European networks (energy)

EC deadline: December 2012

Current status: The proposal was adopted by the Commission in October 2011 and is dealt with as sector-specific proposal within the MFF 2014-2020. The TTE (Energy) Council had an orientation debate in February and a progress report in June.

Planned steps: The EP ITRE committee vote took place on 18 September. The first mandate from Coreper I is scheduled for October 5. Three informal trilogues will take place on 15 October, 7 November, and 27 November with the aim to reach a first reading agreement by end 2012.

Comments: On track for EC deadline. Consistency will have to be ensured with the CEF .

Trans-European networks (telecommunications)

EC deadline: December 2012.

Current status: The proposal was adopted by the Commission in October 2011 and is dealt with as sector-specific proposal within the MFF 2014-2020. The TTE (Telecom) Council had a progress report and an orientation debate in June.

Planned steps: Negotiations are ongoing with the aim of reaching at least a partial general approach in Council by the end of 2012. The EP ITRE committee vote is scheduled on 5 November, allowing trilogues to start already in November.

Comments: Complying with the EC deadline would require no delays in EP. Consistency will have to be ensured with the CEF.

Trans-European networks (transport)

EC deadline: December 2012.

Current status: The proposal was adopted by the Commission in October 2011 and is dealt with as sector-specific proposal within the MFF 2014-2020. A general approach was reached at March TTE Council.

Planned steps: The EP TRAN committee vote is scheduled for 27 November, not allowing negotiations to start until that time. A state of play item is foreseen at the December TTE Council. The EP plenary vote is tentatively scheduled for January 2013.

Comments: Complying with the EC deadline would require no delays in EP Consistency will have to be ensured with the CEF.

Posted workers and right to collective action

EC deadline: December 2012.

Current status: Two proposals (Directive on the enforcement of Directive 96/71/EC on the posting of workers; Regulation on the use of the right to collective action "Monti II") were adopted by the Commission in March 2012. Following the "yellow card" from 12 national parliaments on the Monti II Regulation, the Commission decided in September to withdraw the proposal. A progress report on the enforcement Directive was presented to the June EPSCO Council.

Planned steps: The aim of the Cyprus Presidency is to reach a general approach or present a progress report on the Directive at the December EPSCO Council. The EP EMPL Committee is scheduled to vote its report on the Directive in February 2013; the EP plenary vote is scheduled in April 2013.

Comments: The EC deadline will be missed given the date of submission of the proposal, the current progress and the current timetable of the EP. Intensive work is required given the complexity and political implications of the Directive.