

## ***JBCE position on the Single Market Act consultation***

### *Question 1*

What is your overall assessment of the Single Market Act? (compulsory)

- Positive
- Neutral
- Negative

### Additional explanation

Reinforcing the single market is important because the single market constitutes a key part of the strength of the EU.

We agree to the notion that the single market can offer even more growth and jobs and that its full use has yet to be made of its potential.

We also agree that the single market is an essential element of the Europe 2020 strategy.

## ***Question 2***

The Single Market Act proposes 50 actions: please indicate the actions you consider to be the most important (up to 10 choices possible) (compulsory)

1. EU Patent
2. Copyright
3. Counterfeit and piracy
5. Electronic commerce
6. Standardization
10. Ecological footprint of products
11. Energy Efficiency
23. International trade
27. Energy infrastructures
39. Product safety

### ***Reason for the choice***

1. EU Patent

We believe that a unified patent litigation system through European and EU Patent Court will be as important as an EU Patent itself because of the high cost of multiple patent litigation in several Member States and the risks of possible divergent rulings.

2. Copy right

The reform of the overall copyright regime is fundamental to unlocking Europe's growth potential.

A sound and successful reform of copyright in the EU cannot disregard the current fragmented copyright regime both in licensing and copyright levies.

Enhanced content access on an equal basis for all European citizens, regardless of the country of access is entirely consistent with a European vision. Protection of rights holders and the rollout of new business models in the EU will provide significant economic benefits.

The current national based copyright system in the EU is detrimental to consumers who are discriminated against; right holders are handcuffed to a small market, and Industry cannot benefit from economies of scale.

The forthcoming framework Directive on collective rights management gives us the opportunity to unlock the growth potential of the European digital single market and finally modernize the copyright regime in the EU.

3. Counterfeit and piracy

We would like to see the EU to take further necessary steps such as the modification of the Enforcement Directive with a view to step up efforts in all the EU Member States to

fight against counterfeited, pirated and contraband goods, both inside and outside the EU.

Due to a lack of resources, only a small part of the goods that are passing through the EU customs are checked by the authorities. A substantial part of counterfeit goods are passing through the customs as a result. With an increased cooperation by the manufacturers and importers of the authentic goods, including the provision of more information on their products and the on-site training of officials, the customs authorities should make inspection more efficient and raise the rate of its coverage.

Increased international cooperation in tackling IPR infringements in third countries is also important.

#### 5. Electronic commerce

The development of the digital single market which has the confidence of consumers and which responds to such confidence is important for the future of European economy.

#### 6. Standardization

We concur with the view that the introduction of innovative and internationally recognised standards at European level is important. We also concur with the view that it is necessary to further develop the existing standards system to enable standards to be set more quickly in line with technological developments and to ensure that all stakeholders (businesses, consumers, public authorities) can fully participate in the standard-setting process.

The EU should also aim at international product standards and certification procedures, the mutual recognition of product certification, to promote harmonisation of standards and certification procedures, and, when possible and appropriate, the mutual acceptance of functionally equivalent regulations governing the application process for importing and selling/using products.

#### 10. Ecological footprint of products

We believe that the establishment of a common European methodology for assessment and labelling is important for the single market. Furthermore, given the nature of the issue and the importance for business as well as for society in general, the EU should aim higher and try to establish an internationally common methodology for assessment and labelling.

#### 11. Energy Efficiency

We believe that the Commission should take information and communication technology (ICT) into account in making an energy efficiency plan because ICT is one of the main drivers of energy efficiency. In addition, such a plan should encourage global collaboration.

### 23. International trade

We agree to the Commission's statement that the lack of regulatory convergence internationally is a major obstacle to international trade.

We believe that the EU should go further than deregulations and should aim to build an area of common regulatory environment internationally.

We believe that building an area of common regulatory environment is an important step forward for the leading countries in the world economy.

Those countries should exercise leadership in realising a prosperous world economy by removing tariffs, unnecessary regulations and trade barriers that hamper sustainable development.

Furthermore, they should aim to build an area of common regulatory environment that includes such areas as fair competition, fair investment rules, opening up of government procurement, protection of intellectual property rights and harmonisation of environmental standards.

To start with, the EU should consider an Economic Integration Agreement with Japan as a means to achieve this higher level of cooperation.

### 27. Energy infrastructures

We believe that the creation of a real European energy market with a modern infrastructure is important for the single market.

### 39. Product safety

We support the general direction that the European Commission and the Member States are taking for harmonising market surveillance. This is an important step for fair movement of products. The European Commission and the Member States should give industry an opportunity for contributing to developing the framework of harmonised market surveillance.

*Question 3*

Does the Single Market Act propose appropriate measures to address the issues/challenges that are identified? (compulsory)

- Yes
- Partly
- No

Additional explanation

*Question 4*

Are there any other issues you consider should be addressed in the Single Market Act in the chapter on "Strong, sustainable and equitable growth for business"? (optional)

- Yes
- No

Which ones?

*Question 5*

Are there any other issues you consider should be addressed in the Single Market Act in the chapter on "Restoring confidence by putting Europeans at the heart of the single market"? (optional)

- Yes  
 No

Which ones?

1. The 800 MHz frequency band (related to Proposal No.28 - European Radio Spectrum)

The 800 MHz frequency band has been opened for use by 4G or LTE mobile devices. Before that, it was largely in use by broadcasters for the distribution of TV signals. When that frequency range will now also be used by LTE mobile devices, this will cause interference with the existing TV sets, the many millions that are present in the households. With the tuners used in TVs in the past and still now interference cannot be avoided as tests that were already made by various technical organizations have shown. We ask that this issue is taken into consideration and that the Commission invites interested parties to sit together and come up with measures to avoid this interference from happening.

2. CSR (related to Proposal No.38)

We fully support the reasoning indicated in the Action 38 that in order to strengthen corporate social responsibility, attention will have to focus on improving transparency of companies.

As stated in JBCE's response to the Consultation on Disclosure of Non-Financial Information of Companies, we fully agree with the principle that companies should be encouraged to report and make their strategies more transparent. We also appreciate the direction taken by the European Commission, particularly the increased attention given to the impact that EU policies have beyond its borders and efforts to facilitate all-inclusive stakeholder dialogue on Environment, Social and Governance (ESG) disclosure.

We are of the view, however, that what is material to companies is company-specific and therefore can hardly be determined by a one-size-fits-all approach or a sector-approach. We therefore express concern over the potential obligation imposed on companies to quantify and report in accordance with prefixed parameters.

We, recalling our previous statements, would like to see an international level agreement on principles that encourage local-level collaboration of companies and communities. From the perspective of international comparability, corporate responsibility to respect human rights should also be principle-based to fit the operating context.

*Question 6*

Are there any other issues you consider should be addressed in the Single Market Act in the chapter on "Dialogue, partnership, evaluation: the keys to good governance of the single market"? (optional)

Yes

No

Which ones?