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NOTE

From:	Presidency
To:	Delegations
Subject:	SMEI: additional comments on article 24 from FR

FR comments

Article 24 Information requests to economic operators		
1. Where there is a severe crisis-related shortages or an immediate threat thereof, the Commission may invite representative organisations or economic operators in crisis-relevant supply chains to transmit on a voluntary basis, within a set time limit, specific information to the Commission on the production capacities and possible existing stocks of crisis-relevant goods and components thereof in Union production facilities and third country facilities which it operates, contracts or purchases supply from, as well as information on any relevant supply chain disruptions within a given deadline.	1. Where there is a severe crisis-related shortages or an immediate threat thereof, the Commission may invite representative organisations or economic operators in crisis-relevant supply chains to transmit on a voluntary basis, within a set time limit, specific information to the Commission on the production capacities and possible existing stocks of crisis-relevant goods and components thereof in Union production facilities and third country facilities which it operates, contracts or purchases supply from, as well as information on any relevant supply chain disruptions within a given deadline. Any sharing and exchange of information shall be proportionate and manipulated taking into account the commercial sensitivity of its content. Information requests to economic operators belonging to the Defence Technological and Industrial Base should be subjected to authorization of the Member States.	The disclosure of confidential information could infringe on trade secrets and thus affects the viability of companies. It could lead to the disclosure of sensitive information.
2. If the addressees do not transmit the information requested in accordance with paragraph 1 within the time-limit and do not provide a valid justification for not doing so, the Commission may, by means of an implementing act, require that they transmit the information, indicating in the implementing act why it is	2. If the addressees do not transmit the information requested in accordance with paragraph 1 within the time-limit and do not provide a valid justification for not doing so, the Commission may, by means of an implementing act, require that they encourage them to transmit the information, indicating in the	Member States should keep the right not to provide information, in addition to national security reasons , for economic security reasons (information sharing exposes economic vulnerabilities, trade secrets,...)

FR comments

proportionate and necessary to do so, specifying the crisis-relevant goods and services and addressees concerned by the information request, and the information that is sought, providing where necessary a template with the questions that may be addressed to the economic operators.	implementing act why it is proportionate and necessary to do so, specifying the crisis-relevant goods and services and addressees concerned by the information request, and the information that is sought, providing where necessary a template with the questions that may be addressed to the economic operators.	
3. The information requests referred to in paragraph 1 may concern the following:		
(a) targeted information to the Commission in relation to the production capacities and possible existing stocks of the crisis-relevant goods and components thereof in production facilities located in the Union and production facilities located in a third country which the organisation or the operator referred to in paragraph 1 operates, contracts or purchases supply from, while fully respecting trade and business secrets and requiring them to transmit to the Commission a schedule of the expected production output for the following 3 months for production facility located in the Union as well as any relevant supply chain disruptions;		
(b) other information necessary for assessing the nature or magnitude of a given supply chain disruption or shortage.		

FR comments

<p>4. Following the activation of the mandatory information requests to economic operators by means of an implementing act, the Commission shall address a formal decision to each of those representative organisations or economic operators in crisis-relevant supply chains that have been identified in the implementing act, requesting them to provide the information specified in the implementing act. The Commission shall rely, where possible, on the relevant and available contact lists of the economic operators active in the selected supply chains of crisis-relevant goods and services, compiled by the Member States. The Commission may obtain the necessary information on the relevant economic operators from the Member States.</p>	<p>4. Following the activation of the mandatory information requests to economic operators by means of an implementing act, the Commission shall address non-binding guidelines a formal decision to each of those representative organisations or economic operators in crisis-relevant supply chains that have been identified in the implementing act, requesting encouraging them to provide the information requested specified in the implementing act. The Commission shall rely, where possible, on the relevant and available contact lists of the economic operators active in the selected supply chains of crisis-relevant goods and services, compiled by the Member States. The Commission may obtain the necessary information on the relevant economic operators from the Member States.</p>	<p>Member States should keep the right not to provide information, in addition to national security reasons, for economic security reasons (information sharing exposes economic vulnerabilities, trade secrets,...)</p>
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