

Tuesday 9 March 2010

## Internal Market Scoreboard

P7\_TA(2010)0051

### European Parliament resolution of 9 March 2010 on the Internal Market Scoreboard (2009/2141(INI))

(2010/C 349 E/04)

*The European Parliament,*

- having regard to the Commission Recommendation of 29 June 2009 on measures to improve the functioning of the single market <sup>(1)</sup>,
  - having regard to the Commission Recommendation of 12 July 2004 on the transposition into national law of Directives affecting the internal market <sup>(2)</sup>,
  - having regard to the Commission Staff Working paper on the Internal Market Scoreboard (SEC(2009)1007),
  - having regard to its resolution of 4 September 2007 on the Single Market Review: tackling barriers and inefficiencies through better implementation and enforcement <sup>(3)</sup>,
  - having regard to its resolution of 23 September 2008 on the Internal Market Scoreboard <sup>(4)</sup>,
  - having regard to its resolution of 9 July 2008 on the role of the national judge in the European judicial system <sup>(5)</sup>,
  - having regard to the Council Conclusions (Competitiveness - Internal Market, Industry and Research) of 24 September 2009 entitled 'How to make the Internal Market work better' <sup>(6)</sup>,
  - having regard to Rules 48 and 119(2) of its Rules of Procedure,
  - having regard to the report of the Committee on Internal Market and Consumer Protection (A7-0084/2009),
- A. whereas an effectively functioning internal market is imperative for the creation of a stable and innovative economic environment within which consumers can purchase high-quality goods and services and businesses can create new jobs,
- B. whereas, although the internal market has come a long way, there is still a great deal of work to be done in order to ensure that it reaches its full potential,
- C. whereas the internal market cannot work properly without the correct transposition, application and enforcement of Community rules which affect its functioning,
- D. whereas it is imperative that Member States transpose internal market legislation on time,

<sup>(1)</sup> OJ L 176, 7.7.2009, p. 17.

<sup>(2)</sup> OJ L 98, 16.4.2005, p. 47.

<sup>(3)</sup> OJ C 187 E, 24.7.2008, p. 80.

<sup>(4)</sup> Texts adopted, P6\_TA(2008)0421.

<sup>(5)</sup> Texts adopted, P6\_TA(2008)0352.

<sup>(6)</sup> Council document 13024/09.

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- E. whereas the European Parliament and national parliaments can actively contribute to a better transposition of internal market legislation by continuing to work together closely with each other during the negotiation and transposition process,
- F. whereas representatives of the EU institutions and Member States should meet on a regular basis to take stock of the implementation of internal market legislation,
- G. whereas the publication of the Internal Market Scoreboard helps to reduce the transposition deficit, but it is necessary to adopt a more qualitative approach aimed at looking beyond the figures and identifying the reasons for the deficit,
- H. whereas although the Internal Market Scoreboard and the Consumer Market Scoreboard have different methodologies with different scopes and different sets of indicators, they share the overall aim of improving the functioning of the internal market,
- I. whereas the current average deficit of 1 % is in accordance with the target of 1 % agreed by the Heads of State and Government in 2007, but nine Member States still remain short of this target,
- J. whereas the fragmentation factor is 6 %, meaning that 100 directives have not been transposed in at least one Member State,
- K. whereas 22 directives are more than two years behind their transposition deadline, in direct violation of the 'zero tolerance' target set by the Heads of State and Government in 2002,
- L. whereas it is particularly important to track the transposition of certain directives that are key for the development of the internal market,
- M. whereas more publicly accessible information on which directives have not been transposed by individual Member States could be useful as a means of raising awareness among the general public and applying peer pressure, including by Members of the European Parliament on Members of national parliaments,
- N. whereas the continuing cases of non-transposition or incorrect transposition are not necessarily the result of reluctance on the part of Member States, but may be due to a lack of clarity or consistency in the relevant EU legislation, and it is therefore desirable that the Internal Market Scoreboard should be not only a means of putting pressure on the Member States, but also an instrument for dialogue that might improve understanding of the difficulties encountered by Member States in transposing legislation,
- O. whereas more information is needed on the quality of transposition,
- P. whereas, keeping in mind the general shift from legislation to implementation in the internal market area, the Internal Market Scoreboard should on a regular basis provide more detailed information on the application and enforcement of internal market legislation, including objective indicators as to the functioning of the internal market, allowing better tracking of performance and trends,
- Q. whereas Members of the European Parliament should inform their constituents about the implementation of internal market legislation that affects them and ways in which they are able to enforce their rights,

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- R. whereas the work of its Committee on the Internal Market and Consumer Protection has provided useful insights into the implementation, transposition and enforcement of key internal market legislation, through own-initiative reports, studies, workshops and hearings, and will continue to do so in the future,
- S. whereas training and cross-border exchanges, inter alia via the electronic networks set up by the Commission, are essential for the better application of the Community's internal market acquis,
- T. whereas citizens and businesses rely on effective enforcement of internal market rules to help them to fully benefit from its potential,

### **Introduction**

1. Welcomes the Commission's above-mentioned Recommendation on measures to improve the functioning of the single market; stresses that Member States should not cherry-pick the measures that suit them best but undertake to implement them all;
2. Urges Member States to work closely with the Commission and with each other, and to assume their share of responsibility and ownership to exploit the potential of the internal market fully; calls on the Commission to use all its powers in ensuring effective application of internal market rules including effective market monitoring, harmonisation, further simplification of legislation and other tools to reduce the administrative burden on citizens and businesses;
3. Takes the view that it is important to act at an earlier stage in order to limit the risk of a transposition deficit and that the Commission should do more to support the Member States throughout the transposition period; takes the view that this should involve in particular dialogue and a greater exchange of information aimed at anticipating possible problems and seeking to resolve them before the end of the deadline for transposition;
4. Particularly supports the idea of close involvement of national parliaments and enhanced cooperation with other stakeholders, such as the social partners, during negotiations and the transposition process;
5. Underlines the importance of open dialogue and closer cooperation between national parliaments and the European Parliament with a view to further discussion and detailed consideration of the problems encountered by Member States during the transposition process, as the correct transposition and implementation of directives at national level are basic preconditions for the effective operation of the internal market, competition and economic and social stability within the EU;
6. Calls on the Commission to organize an annual Internal Market Forum bringing together representatives of EU institutions and Member States and other stakeholders in order to establish a clearer commitment to transposition, application and enforcement of internal market legislation;
7. Underlines that such an Internal Market Forum should hold meetings at working group level as well as at ministerial level in order to provide an important platform for the sharing of best practice between national administrations;
8. Calls on the Commission to regularly include in its Internal Market Scoreboard more detailed information on the application and enforcement of internal market legislation, including objective indicators as to the functioning of the internal market;
9. Calls for the Internal Market Scoreboard, the SOLVIT Report, the Citizens Signpost Service and the Consumer Market Scoreboard to be published at the same time once a year (not changing the frequency of their publication) in order to provide a global picture of the development of the internal market and to better coordinate the work that has been done in those areas while maintaining the particular nature of those instruments;

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10. Calls on the Commission to look into new ways to eliminate remaining barriers to completing the internal market, including the creation of a 'internal-market test' for all proposed new EU legislation, to ensure that proposed new measures do not undermine the internal market;

11. Considers that the Internal Market Scoreboard has important overlaps with the Commission's annual review of the application of Community law; therefore encourages the Commission to use that annual review in a more strategic way by focusing on vertical policy areas which could improve the qualitative analysis of the Internal Market Scoreboard;

12. Calls on the Commission to present a more reader-friendly press release together with the Internal Market Scoreboard in order to raise awareness of its results and to increase pressure on the Member States to ensure the correct and timely transposition of directives;

### **Transposition**

13. Welcomes the fact that the transposition deficit of 1,0 % has been met for the third consecutive time; urges the nine Member States which failed to reach this objective to take action to improve their record;

14. Considers that there is a clear link between the timely and correct transposition of internal market directives and the quality of the original legislation; therefore notes the importance of upstream work, including a commitment to comply with better regulation principles, full consultation with Member States on transposition and enforcement methods, and the need for thorough impact assessments and analysis of the relevant case law of the European Court of Justice before proposing new legislation;

15. Recalls that the number of directives that have not been transposed by one or more Member States remains too high and calls on the Commission and the Member States to work together to bring this number down as a matter of urgency, starting with those directives whose transposition has been overdue for two years or more;

16. Calls on the Commission to provide more detailed information on its website on the directives which have not been implemented in the individual Member States;

17. Urges Member States to provide the Commission with correlation tables containing detailed information on the national measures taken to transpose directives in order for it to be able to provide more detailed information on the quality of transposition; calls on the Commission to identify best practices of timely and correct transposition and to communicate these to the Member States;

### **Application**

18. Considers that Member States should enhance the efficient cooperation among national, regional and local authorities involved in applying internal market rules by ensuring and strengthening an internal market coordination function within their national administrations;

19. Calls on Member States to provide national and local civil servants and judicial authorities with regular training on internal market rules in the framework of existing Community programmes and networks;

20. Shares the Commission's view that Member States need to ensure that the cross-border networks of electronic information systems established by the Commission (e.g. the Internal Market Information system (IMI), the Rapid alert system for non-food dangerous products (RAPEX), the Rapid alert system for food and feed (RASFF) or the Consumer Protection Cooperation network (CPC)) are operational by taking the necessary measures, including the allocation of resources;

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21. Calls on the Commission to view internal market legislation as a circular process in which ex-post evaluations should play an important part and should be used to establish whether the legislation meets or surpasses the original impact assessment and, if not, to identify how it should be amended or recast to ensure that it meets its original objectives;

### **Enforcement**

22. Holds the view that Member States should step up their efforts in providing information to citizens and businesses about their rights in the internal market, enabling them to exercise those rights in practice; calls on the Commission to finalise as a matter of priority the Single Market Assistance Services project for streamlining information, advice and problem-solving assistance services and making them more accessible;

23. Takes the view that the internal market information that the Commission posts on the internet is comprehensive but overly fragmented; calls on the Commission, with the participation of the Enterprise Europe Network, to establish and strengthen the 'Your Europe - Business' portal as an electronic one-stop-shop for business information relating to the internal market in order to avoid unnecessary and costly parallel structures and to exploit possible synergies, particularly in connection with the information to be provided under the Services Directive <sup>(1)</sup>;

24. Highlights the key role played by the Enterprise Europe Network in enabling SMEs to make use of the opportunities offered by the internal market; stresses that bureaucratic obligations tie up valuable resources and thereby prevent a stronger focus on the Enterprise Europe Network's core task of providing tailor-made support for SMEs; calls on the Commission to make greater use of the Enterprise Europe Network for the targeted distribution of information and to reduce bureaucracy for the Network's partners;

25. Believes that Member States should, with the support of the Commission, improve the capacity of problem-solving mechanisms, in particular SOLVIT, so as to provide more effective redress; emphasises that experiences from SOLVIT should be fed into national and EU policy-making, resulting in structural or regulatory changes where necessary; calls on Member States to further reinforce the networks of SOLVIT centres by allocating additional financial and human resources;

26. Calls on the Commission and the Member States to take the necessary measures in order to make the SOLVIT centres and their free-of-charge problem-solving services more visible to European businesses and citizens;

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27. Instructs its President to forward this resolution to the Council and the Commission.

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<sup>(1)</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).