



Points of Single Contact

This paper concerns shortcomings in terms of access to information on Single Market rules and procedures, as there exist multiple information sources and different contact points across EU legislation.

CONTEXT

Companies that wish to export goods and services often face difficulties trying to obtain information about what rules to comply with (national and EU rules), which procedures to follow and which public authorities to contact in Member States they wish to export to.

It is important to ensure a transparent and clear legal base for European companies. When the regulatory environment becomes too complex, there is a risk that SMEs will stop exporting and instead stick to their national market where they already know the rules.

The existing complexity can be illustrated in all the different contact points that have been set up in various EU regulations. They do not cover all business-related aspects nor information about the entire range of requirements that a company must comply with.

LEGAL FRAMEWORK

Companies that export goods or services to other EU Member States must comply with all requirements on the market in question. According to existing Single Market legislation, Member States must make information available to companies through Points of Single Contact. The information obligations are imposed in at least eight different regulations.¹ Some non-exhaustive examples of rules and requirements that companies must comply with when accessing another market are:

- Requirements regarding technical approval
- Requirements regarding registration of the company
- Documentation of the company's eligibility
- Requirements for permits, licences, authorisations
- Registration of posted workers

¹ the Services Directive (2006/123/EC), Mutual Recognition Regulation (764/2008), Recognition of Professional Qualifications Directive (2005/36/EC), Directive on the enforcement of Directive 96/71/EC concerning the posting of workers (2014/67/EU), Marketing of Construction Products Regulation (305/2011), Guidelines for trans-European Energy Infrastructure Regulation (347/2013), Directive on Electronic Commerce (2000/31/EC) and Regulation on a Framework for the free flow of non-personal data in the European Union (COM(2017)495).



Showcasing Single Market problems – under existing EU legislation

- Various documentation concerning the posted workers/staff (qualifications, skills, health etc.)
- Requirements regarding local safety certificates and other work environment issue
- Various VAT and tax issues, including registration of staff at local authorities

In 2018, the European Parliament and Council adopted a regulation establishing a Single Digital Gateway (SDG). The SDG will become the online access point for EU citizens and business in need of information to get active in another EU country. The SDG will also facilitate access to procedures and assistance services such as Points of Single Contact. The SDG will increase online access, however multiple points of single contact will continue to exist depending on different EU legislation and procedures will remain not fully digitized. Moreover, it remains to be seen what online procedures will be available under SDG, by the end of 2022. The Commission's Annual Single Market Report of 2022 notes that through Commission enforcement action there are "significant advancements towards fully functioning Points of Single Contacts". This remains to be checked on the ground by businesses.

EXAMPLE

A manufacturing company and service provider is experiencing increased complexity in the procedures, registration and documentation requirements concerning posting of workers in some Member States. The company operates across EU providing maintenance services on production equipment it has manufactured.

In some Member States, the company must consult several websites – at times only available in the local language - to obtain an overview of the relevant requirements, such as posting of workers or relevant permits. Still, due to the fragmented information, the company does not feel certain that it has everything in order. Nonetheless, it has to fulfil its contractual obligation to provide the services. Considering that some Member States issue excessive fines for non-compliance, the lack of transparency puts this company in a very uncomfortable situation when fulfilling its service contracts.

HOW TO ACHIEVE BETTER RESULTS

The best way to improve information access, is to **provide business with all procedures and necessary information in one "Single Market access point"** accessible also through the SDG. The following actions are needed:

1. **Availability of comprehensive information and e-procedures**, regardless of whether the request originates from a national or foreign business.
2. Provision of **one single, coordinated answer** from a contact point in the Member State concerned, whenever an inquiry is submitted by a business.
3. Information and **relevant documents in English** as default, on top of the official national languages and any other languages chosen by the Member State concerned.

CONTACT INFORMATION

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