

BUSINESSEUROPE



Enforcement: key challenges

Seminar on « Enforcement in the Internal Market »

The reality of the Internal Market (1)

- In “Brussels”: focus on better legislation, correct and timely transposition and EU infringement procedures
- But enforcement takes shape mostly at national level through:
 1. Administrative implementation (i.e. market surveillance authority, points of single contact, etc.)
 2. Compliance of operators and public authorities with EU legislation
 3. Availability of remedies/redress (sanctions and appeal procedures)



The reality of the Internal Market (2)

- Anecdotal evidence points at much inconsistency between Member States in terms of transparency, commitment, diligence, resources, etc
- **RESULT:** suboptimal enforcement



Debate (1): Establish the facts and figures

- Information is lacking on national dimension of Internal Market: market surveillance activities, denial of mutual recognition, judicial and non-judicial procedures of redress, etc
- A recent study by Dansk Industri shows:
 - public procurement
 - 16% of EU GDP (in 2002)
 - 8 out 10 public procurements are never published
 - 30% companies experience technical barriers to EU trade:
 - Only 4% decide to fight it
 - 6% decide not to trade and stay out
 - The rest accepts to comply with redundant requirements (i.e. double certification)



Debate (2): proposals to explore

1. Burden sharing between Commission and Member States
 - Enlargement would support a more decentralised and cooperative enforcement system
 - But Commission is “the watchdog” of EU law implementation
 - Redeployment of resources?



Debate (3): proposals to explore

2. A more integrated approach?

- Between Member States? Mistrust is the main source of barriers. Competent authorities should cooperate (e.g. services directive)
- Between Commission and competent authorities? The hub of a cooperative network?
- For goods and services? Contact points, mutual recognition, etc.



Debate (3): proposals to explore

3. Means of redress/ problem-solving

Too often enterprises do not dare to fight for their rights in court not even through non-judicial procedures. Possible improvements:

- transparency and awareness
- burden sharing between ECJ and national courts
- accessibility, affordability, convenience, diligence of the procedures
- enhancement of “SOLVIT” type procedures

