

## □ Ensure effective implementation of Single Market rules

“Member States at all levels must do more to apply existing rules and check compliance”

### BACKGROUND

Enforcement is key for well-functioning of the Single Market and a better positioning of Europe in the global market. It implies practical application, compliance check and sanctions for non-conformity with Single Market rules and principles.

Important enforcement problems remain in areas such as application of the mutual recognition principle, market surveillance and border controls, accessibility of information and of problem-solving mechanisms. These problems represent direct costs for Europe (e.g. the costs of redundant product conformity assessment in several countries are estimated to range from 2% to 15% of enterprises' entire annual turnover) and deprive citizens and businesses of their rights under the Single Market undermining their confidence in and perception of Europe.

Enforcement needs to be improved at both national and EU level and must be a priority when developing and implementing Single Market policies. EU and national governments must step up their efforts, both financial and human, to ensure a better enforced Single Market and continue to reduce the transposition deficit.

## Stronger commitment from Member States

The Commission has the duty to ensure correct application of Community laws but Member States should do more to ensure their timely and correct transposition and administrative implementation using correlation tables and transposition dialogue with the Commission. A high-ranking member of the Government responsible for the well-functioning of the Single Market and conformity of national with EU laws should be designated. This is particularly important as regards state aid rules in the context of the current economic crisis. Member States should also provide more information, facts and figures on the national dimension of the Single Market focusing on compliance with, application and enforcement of Single Market legislation. For a fully effective and consistent application of regulations in the EU, increased political independence of national regulators is another important factor.

## More efficient market surveillance and effective mutual recognition

Efficient and homogenous market surveillance must be ensured. It should include a system with proportional and effective sanctions backing, more effective use of available resources, avoiding duplication of work and facilitating comparability and equivalence between Member States' systems. A more efficient customs policy including effective cooperation between market surveillance authorities and customs authorities is also necessary to ensure market surveillance for imported products at the borders of the EU Market. The new legislative package for goods is a fundamental step forward as it includes measures to improve the application of the mutual recognition principle and to ensure that a more consistent level of market surveillance is applied across member states, resulting in a more level playing field for manufacturers. The correct implementation of this package must now be the priority.

## Better administrative cooperation and mutual assistance between public authorities

More use should be made of Community instruments setting out a clear framework for cooperation and mutual assistance between the Member States' authorities, at all levels (national, regional and local) responsible for the enforcement of Single Market rules. In this regard, the services directive is a good example. It provides precise legal obligations for authorities to cooperate with one another, exchange information and assist each other.

## Easier means to assert Single Market rights

A well-functioning Single Market must provide effective and easy to use EU and national means for asserting Single Market rights. Priority should be given to improving existing non-judicial and judicial mechanisms particularly promotion and reinforcement of SOLVIT (extrajudicial online problem-solving and conciliation network), arbitration and mediation tools and speedier and more efficient Commission infringement procedures. When it comes to choosing instruments, especially judicial instruments, Member States are best placed to decide, taking into account the criteria of efficiency, rapidity and reasonable cost.