



COMMISSION OF THE EUROPEAN COMMUNITIES

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**REPORT FROM THE COMMISSION TO THE COUNCIL  
AND THE EUROPEAN PARLIAMENT**

**Cooperation between administrations  
for enforcement of internal market law  
- a progress report -**

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## I - Introduction

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1. This report provides a survey of progress made to ensure that the enforcement of Community law on the internal market was more consistent by promoting cooperation and mutual assistance between administrations in the different Member States. This is an objective which responds to needs expressed by business, consumers, Member States' governments and EC institutions. It was announced in the Commission's Strategic Programme for the Internal Market<sup>1</sup>.

The Commission set out a framework for enforcement cooperation in its Communication of 16 February 1994 on the development of administrative cooperation in the implementation and enforcement of Community legislation in the internal market<sup>2</sup>. The Council consequently adopted a Resolution<sup>3</sup> on 16 June 1994 on the same topic. The Economic and Social Committee also emphasized the same point<sup>4</sup> and most recently the French Council Presidency made it a major focus, linking the question of enforcement especially with the levels of penalties for non-compliance with Community rules. Following the Commission's communication on the role of penalties in implementing Community internal market legislation<sup>5</sup>, the Council adopted a Resolution on 29 June 1995, setting out a common approach to this issue<sup>6</sup>. This Resolution stressed that "... administrative cooperation must be strengthened, where necessary, in those sectors where it is under-developed and must in any event satisfy the requirements of effective uniform implementation of Community rules".

2. The Council resolution of 16 June 1994 had called, among others, for three specific actions in this regard:

- i) the Member States were called upon to notify to the Commission by 31 December 1994 a list of contact points for enforcement purposes in each of eighteen priority areas of Internal Market legislation, together with essential information on their enforcement structures for these areas;
- ii) the Commission was called upon to pursue the programme of discussions with the Member States it was already conducting in sectoral committees and working groups to find out what kind of cooperation was required in each area of legislation considered a priority;
- iii) the Commission was called upon, on the basis of these discussions, to propose improvements to existing arrangements, including any extensions to support measures for administrative cooperation, such as seminars, training and exchange programmes for enforcement officials and the publication of interpretative guides. This was also to include, where necessary, adjustments to legislation.

The following chapters report on progress under each of these headings.

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1 Commission communication to the Council of 22 December 1993 "Making the most of the Internal Market" : Strategic Programme, (COM(93) 632 final)

2 COM(94) 29 final of 16.2.1994

3 Council Resolution of 16 June 1994 on the development of administrative cooperation in the implementation and enforcement of Community legislation in the internal market, OJ C 179, 1.7.1994, p. 1

4 Economic and Social Committee Opinion on the annual report on the functioning of the internal market, OJ C 393, 31.12.1994, p.14, in recommendation 2 : "implementation and control .... must be supervised rigorously."

5 Communication from the Commission to the Council and the European Parliament on the role of penalties in implementing Community internal market legislation, COM(95) 162 final, 3.5.1995

6 Council Resolution of 29 June 1995 on the role of penalties in implementing Community internal market legislation, OJ C 188, 22.7.1995, p.1

## II - Notification of contact points

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3. All Member States have now notified contact points for most of the priority areas identified in the June 1994 Resolution. Some legislation already included requirements for enforcement contact points to be notified to the Commission, for example Directive 93/99 on the control of foodstuffs and Directive 89/48 on the recognition of diplomas. The Commission did not set out to replace or duplicate these pre-existing systems, but rather to confirm that they were functioning correctly. The purpose of such contact points is to place officials responsible for enforcing internal market legislation in touch with one another. Where control or surveillance is decentralized, communications may have to pass through a central coordinator at national level. However, it is noteworthy that notifications have been made for some regional authorities, such as individual German Länder.

4. The data concerning contact points generally includes the designation of the administrative unit directly involved in the Member State's administration (or the Commission) and a direct fax number. Most include a named person and give his or her direct telephone number. Some notifications also include the languages which the contact points can speak or read and their electronic mail (E-mail) addresses. In some cases an official in the Member State's Permanent Representation in Brussels is given as a contact point. All the contact points have been placed on a database, from which print-outs or information diskettes are distributed to those concerned.

Table 1 indicates, for each area of legislation, which Member States had notified contact points when this communication was finalized (27.11.95). Where there are sub-areas within an area of legislation, the table indicates whether full or partial notification was received of contact points for each sub-area. The latter case is indicated by a letter "P" in a shaded square. A black square shows that no notification has been received. The database also contains data on contact points for three areas which were notified to the Commission separately from this exercise, those of dual-use goods, drug precursors and recognition of diplomas (listed under freedom of establishment); notifications for all three areas are complete for all Member States.

The table shows that in this exercise only one Member State has failed to notify contact points in more than one or two areas. Greece has not yet notified contact points in four of the eighteen areas listed in the Council Resolution, and has only made partial notifications in others.

National contact points for broadcasting have not yet been notified in two Member States. The Commission especially requested a detailed breakdown of contact points in the transport area, and only seven of the Member States have made this full notification (Spain notified a single contact point for the whole transport field). In this table only two of the areas from the Annex to the Council Resolution of 16 June 1994 are shown with their breakdown into sub-areas, those of "foodstuffs, animal and plant health and veterinary medicines" and "taxation". The sub-area with the least notifications is direct taxation.

5. Many of the contact points notified appear to be officials principally concerned with legislation or policy rather than control of marketing of a product or service or the enforcement of legislation on the ground. The Commission considers that links between policy coordinators and their market control colleagues will need to be ensured for information on enforcement to pass quickly from one Member State to another. Similarly, some of the areas referred to in the Council Resolution of 16 June 1994 are very broad. A single contact point on technical harmonization directives, for instance, would need to cover several distinct areas of legislation, from medicines to toys. The extent to which the contact points notified are actually used will give an indication of how appropriate they are.

Table 1 - *Notifications of contact points for each area, by Member State as at 27.11.95*

| MEMBER STATE:  | B | DK | D | EL | E | F | IRL | I | L | NL | A | P | FIN | S | UK |
|--|---|----|---|----|---|---|-----|---|---|----|---|---|-----|---|----|
| 1. Technical harmonization: directives to remove barriers to trade |   |    |   | P  |   |   |     | P |   |    |   |   |     |   |    |
| 2. Public procurement  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 3. Firearms  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 4. Dual use goods  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 5. General Product Safety Directive                                |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 6. Telecommunications  |   |    |   |    |   |   |     | P |   |    |   |   |     |   |    |
| 7. Foodstuffs, animal and plant health, veterinary medicines       |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| a) foodstuffs  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| b) veterinary controls   |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| c) phytosanitary controls  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| d) veterinary medicines  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 8. Notification of technical regulations - Directive 83/189        |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 9. Customs and Excise  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 10. Taxation   |   |    |   |    |   |   |     |   | P |    |   | P |     |   | P  |
| a) direct taxation   |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| b) indirect taxation   |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 11. Drug precursors  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 12. Cultural goods   |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 13. Right of establishment   |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 14. Company law  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 15. Insurance, banking, securities                                 |   |    |   |    |   |   |     |   |   |    |   |   |     |   | P  |
| 16. Intellectual property  |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 17. Broadcasting   |   |    |   |    |   |   |     |   |   |    |   |   |     |   |    |
| 18. Transport  |   | P  |   | P  |   | P |     |   |   |    |   | P | P   | P |    |

(P = partial notification for area; black square = not notified yet; all others notified)

It is important to mention that the Commission has undertaken to apply the principles of data protection laid down by Directive 95/46/EC<sup>7</sup>. Consequently access to the personal information provided will be strictly limited to those Commission services and those parts of Member States' administrations which are directly involved in the particular enforcement co-operation exercise in question. Contact persons will be provided with full information about this and about the purposes for which their details are used. They will be informed and their consent obtained in advance of their data being distributed to any other specific bodies.

Little information on enforcement structures and procedures has been received, although the Council Resolution called upon Member States to supply such information.

6. Looking to the future, other steps could also be taken by the Member States to ensure that the system of contact points now in place can be used more effectively, for instance by establishing contact points to give private individuals and business (especially small and medium-

<sup>7</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23.11.95 p. 31

