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AND THE EUROPEAN PARLIAMENT

ON THE DEVELOPMENT OF ADMINISTRATIVE COOPERATION IN THE IMPLEMENTATION AND ENFORCEMENT OF COMMUNITY LEGISLATION IN THE INTERNAL MARKET

This communication has been drawn up
in the context of the Strategic Programme for the Internal Market

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I. INTRODUCTION

1. This communication considers the current state of administrative cooperation across the Community in the Internal Market field and proposes that steps should be taken to ensure its effectiveness and further development.

2. Around the end of 1992 the Council¹, the Parliament², and the Economic and Social Committee³ all expressed their support for the need to ensure the effective operation of the Internal Market, including a satisfactory degree of administrative cooperation.

In its initial response to the Sutherland Report the Commission indicated that, as regards administrative cooperation, it would proceed on a two-part basis. The first part, an examination of the Community's urgency procedures which exist for handling urgent situations in the fields of animal and plant health, safety etc. has been the subject of another communication.⁴ The present communication is the second part. It complements the work on urgency procedures by developing the approach put forward in the Sutherland Report to the partnership with Member States. It was announced in the Strategic Programme for the Single Market.⁵

3. Administrative cooperation between Member States, and between them and the Commission, is a requirement which flows from Treaty-based obligations, particularly Article 5. It is an essential working tool for the even and effective operation of the Community, and this communication concentrates on identifying the need and scope for practical action in ensuring that an effective degree of cooperation between Member States and between them and the Commission, is achieved.

4. Although a pattern of administrative cooperation has developed in recent years which, for the most part, appears to be operating satisfactorily, there are considerable differences between the degree of cooperation which is practised in the many fields covered by Internal Market legislation.

While many of these differences appear to reflect the varying needs of particular sectors, the Commission considers that it is timely to re-examine administrative cooperation in the Internal Market field, given the very large volume of Community legislation which has recently been adopted to create the Internal Market.

5. It is for this reason that the Commission proposes that, in fields where there has been little experience of cooperation, the need to develop specific mechanisms should be assessed. The operation of existing systems should also be examined to see where they could be improved, where they fall within the ambit of the Internal Market. This work should be carried out within an overall framework, established by the Community, setting out the basic principles of administrative cooperation. In the light of this

¹ Council Resolution of 7 December 1992 (OJ C 334, 18.12.1992, p.1)

² Resolution of the Parliament A3-0401/92 (OJ C 21, 25.1.93, p. 513)

³ Opinion of the Economic and Social Committee CES 802/93 (OJ C 201, 26.7.93, p. 59)

⁴ Commission communication on the handling of urgent situations in the context of implementation of Community rules - Follow-up to the Sutherland Report (COM(93) 430 final).

⁵ Commission communication to the Council "Making the most of the Internal Market" : Strategic Programme, (COM(93) 632 final)

examination, specific Community provisions may be drafted for those sectors which need them.

6. But mechanisms should only be set up where there is a need for them, and then only on the basis that they operate in the simplest possible manner. The Commission shares the concerns of Member States that systems of administrative cooperation must be clear, non-bureaucratic and provide tangible benefits.

7. Implementation and enforcement is primarily a responsibility which is exercised on the ground. It follows that Community systems for administrative cooperation should aim at facilitating the ability of Member State administrations to make contacts, in a decentralized manner wherever possible. To this end, an adequate communication and data exchange infrastructure is required. Each system must, however, make provision for information to be shared with the Commission and other Member States wherever national authorities feel that there is a need for action at Community level.

8. It appears to the Commission that better contacts will not only benefit the execution of Community legislation but also help resolve problems in unharmonized fields, and help to better protect the financial interests of the Community against fraudulent conduct. The ready exchange of information where difficulties arise concerning the free movement of goods and services in fields for which no Community legislation exists should assist in avoiding the recourse to restrictive measures, or at least clarify the situation for the authorities concerned. It may even dispense with the need for Community legislation in such fields by promoting the mutual recognition of national legislations.

9. The Commission believes that the development of administrative cooperation would best be advanced on an explicit basis. This communication therefore sets out a framework for Community administrative cooperation which provides the guidelines necessary for detailed application where needed. The Commission is setting up a programme of discussions in a Community context in order to examine the ways in which administrative cooperation should operate to suit each area of activity in question.

II. ADMINISTRATIVE COOPERATION: THE ELEMENTS OF A COMMUNITY FRAMEWORK

10. On the basis of information that has been gathered on the present state of administrative cooperation and its assessment of the roles of the Member States and the Commission, the needs felt and current practice (cf. Annex 1), the Commission considers that a more coherent and transparent approach to administrative cooperation for the implementation and enforcement of Internal Market legislation is desirable. In some fields the practice of administrative cooperation is already well advanced; in others, however, an explicit Community framework for the development of administrative cooperation would help both in examining the need for establishing mechanisms and in identifying where existing mechanisms could be improved.

11. The framework for administrative cooperation would comprise the following elements.

- (a) A rule : the fundamental requirement of mutual assistance;
- (b) A tool : the obligation of transparency, by means of a network of clearly identified correspondents;
- (c) Two principles :
 - proportionality
 - confidentiality

A. THE OBLIGATION TO PROVIDE MUTUAL ASSISTANCE

12. In certain fields, Community measures have already been taken to ensure some degree of mutual assistance. A recent example of this is the foodstuffs sector. In addition, the Court of Justice has clarified several features of the obligation for administrations to cooperate which is implicit in Community legislation (cf. *Mateucci v. Communauté française de Belgique*, case 235/87, judgment of 27.9.88). Now it is essential to ensure that the principle of mutual assistance is progressively extended to apply to all aspects of Internal Market legislation.

The objective is to establish, on the basis of mutual confidence, the practical tools required to facilitate cooperation between Member States in such a way as to reflect both the differing organizational structures within Member States and the Community perspective. In some cases where Community financial or economic interests are involved (such as customs or agriculture), mutual assistance mechanisms are already well defined, involving, for example, exchanges of evidential documentation, and even joint investigation missions. In other cases, the practice of mutual assistance often involves nothing more than direct bilateral contact between the authorities in Member States responsible for applying the legislation. This may be the concern of central authorities in Member States (as in the banking field or on competition); where the responsibility for enforcement is decentralized (as in the case of the market inspection of product safety), cooperation may be easier where a central contact point for a particular sector can be used (see paragraph 15 below).

13. In practice, each cooperation system will be used by a Member State when it needs information from another but the system will also provide for information to be made generally available if the problem involves several Member States or is shown to be of Community-wide interest. This is not a bureaucratic complication: while in most cases bilateral cooperation is sufficient, the benefits of the Internal Market will not be maximized unless solutions to problems are shared and applied throughout the Community.

B. THE OBLIGATION OF TRANSPARENCY

14. Each cooperation system requires that Member States and the Commission are aware of the responsible authorities throughout the Community. The Commission proposes that the necessary transparency of national implementation and enforcement mechanisms requires Member States to transmit basic information to the Commission and the other Member States concerning the bodies which undertake the enforcement of the legislation concerned. This will include practical details on the identity of the officials in these bodies who are responsible for organizing mutual assistance for the application of Internal Market legislation. This information is essential for improving the interface between those responsible in the Member States for enforcement, the definition of needs and modes of mutual cooperation, and the identification of priority sectors for Community supportive measures.

15. An essential part of this transparency is the notification, for each sector, of a central contact point in each Member State who will act as *correspondent* with his or her counterparts in other Member States and the Commission for enforcement of Community rules. The function of each correspondent is to ensure that the flow of information between Member States and between his Member State and the Commission takes place rapidly and effectively, which may involve coordinating the information flowing to and from the relevant bodies within the Member State. Coordination across sectors within each Member State should continue to be a function of the members of the Internal Market Advisory Committee.

16. With respect to existing legislation, the Commission proposes that this information should be notified by Member States as soon as possible, and at all events by the end of 1994. For future legislation, this information should become a normal part of the process of national implementation of Community law, to be communicated to the Commission along with the transposition text.

C. TWO UNDERLYING PRINCIPLES

17. Two underlying principles on which the effective operation of mutual assistance depends reflect both the rulings of the Court and the views of Member States in recent discussions.

Proportionality

The principle of proportionality implies that the practice of administrative cooperation should be tailored to what is reasonable, that is, that authorities limit their demands on each other to what is essential to the task in hand.

Regarding requests for information between administrations, enforcement experts in each sector will be best placed to judge how proportionality is applied in practice, particularly as they will be suppliers as well as requesters of information. Measures such as standardization of forms or automated processing of information can reduce the burden of their procedures.

The same principle applies to the obligations that these administrations place on business and citizens. Successful administrative cooperation can lighten the load on enterprises and the individual.

Cooperation efforts should also guarantee value for money by ensuring that the benefits are in keeping with the resources deployed.

Confidentiality

In certain areas, rules in respect of confidentiality are indispensable, for example on the exchange of commercially-sensitive information. Member States sometimes appear to be less concerned about confidentiality in respect of non-national products than about national ones. In a single market it is clear that the same standards should apply in respect of all products on the market.

The exchange of classified information in general and via telematic networks in particular requires common security rules and procedures as well as technical enabling measures such as the making available of data protection tools.

Where personal data are concerned, exchanges of information must respect legislation in force on data security.

III. ADMINISTRATIVE COOPERATION : A PROGRAMME OF DISCUSSIONS

18. The Community framework for administrative cooperation discussed above should be applied on a sectoral basis. The Commission does not underestimate the challenge this presents. Although the framework is not a radical departure from existing good practice needed for enforcing Community legislation, Member States may in some sectors need to consider the allocation of responsibilities between departments and enforcement bodies, and between national, regional and local levels of administration.

19. The Commission proposes that the Community framework should be used in continuing the discussions of the need for and type of administrative cooperation. These discussions should be focused on those fields with little practical experience of administrative cooperation, and on those where the quality of current practice might be improved, taking account also of the timing of the entry into force of legislation or the sensitivity of the particular risk which is regulated. In the light of these criteria, the Commission intends to organize sectoral discussions in the fields indicated in Annex 2. The Community framework set up in accordance with this communication, and its principles, will be the common thread running through these discussions.

The aims of each sectoral discussion would be:

- in areas of activity for which there is only limited experience of administrative cooperation, and which have no specific mechanism for it, to examine the need for administrative cooperation, especially with respect to information exchange and decision-making⁶, and to agree on the practical mechanisms required. Depending on the sector, cooperation systems may be required for scientific or technical cooperation, evaluations and assessments (of a product or service), inspections, or market surveillance;
- in fields where cooperation is starting, such as scientific cooperation in the food sector or administrative cooperation between official food control services, to examine and identify the measures needed to make these cooperation systems start to work as effectively as possible;
- in other fields, to examine the efficiency of existing mechanisms of administrative cooperation and consider changes that may be necessary, while leaving in place systems which already work satisfactorily;
- to identify the supportive measures to be taken by the Commission in the short and longer term. As explained in the last section of annex 2, the Commission is already engaged in activities designed to support administrative cooperation for the Internal Market. It may be necessary, however, in the light of the possible development of cooperation in some sectors, to enlarge the scope of such supportive activities, particularly in respect of informative publications and of assistance with making communication between national enforcement authorities easier. As the different needs are identified, the Commission will come forward with a suitable programme of such measures;

⁶ While in principle administrative cooperation does not affect the competence of Member States in enforcing Community legislation, it may nonetheless, in the cases provided for in the legislation (e.g. the Directive on consumer product safety) result in decision-making on a Community level.

- where appropriate, to introduce a Planning Process for Telematic Networks between Administrations (TNA-PP), providing a pragmatic and transparent approach to the identification of needs, bottlenecks and missing networks as well as to performance evaluation and priority-setting, and to implement it through the TNA/IDA programme;
- to examine any malfunctions of the system and their origins on the basis, in particular, of the views of economic operators, over an observation period in 1994.

20. Some of these sectoral discussions may result in more detailed provisions on implementation of Community legislation being established, wherever possible through informal methods (for example, in guidelines, or by the establishment of working groups of enforcement experts). In cases where this proves to be essential, these provisions will take the form of Community legislation. The Commission will monitor the progress being made in the sectoral discussions and come forward with proposals to overcome difficulties where necessary. The end of 1994 will serve as a useful benchmark by which to judge progress as it is the date proposed (in paragraph 16) for the notification of the bodies responsible for enforcement. The Commission will also assess progress in the development of administrative cooperation in its annual reports on the operation of the Internal Market.

21. Although the objective of this communication is to ensure that the application of Internal Market legislation is supported by effective mechanisms for administrative cooperation, the Commission notes that the Court's rulings have often been made in the context of matters not subject to harmonization. An effective mechanism for facilitating bilateral and other contacts between administrations would materially assist the resolution of difficulties concerning the trade in products and services in the non-harmonized field. It would, in general, help the development of mutual recognition of national rules through the rapid exchange of information between the authorities concerned and, in particular, might avoid the recourse to restrictive measures by the **Member States**.

IV. CONCLUSIONS

22. The Commission considers that a policy framework is required for cooperation between the Member States' administrations, and between them and the Commission, for the enforcement of Community law in the Internal Market, with the following guiding principles:

- all administrative services in the Member States responsible for the enforcement of Community law must, taking into account Article 5 of the Treaty, provide one another with mutual assistance in the exercise of their functions, and in particular reply as soon as possible to requests for cooperation originating from one of them, and exchange the information required for this purpose;
- these exchanges of information should be performed under conditions of:
 - *confidentiality*, i.e. they should be covered by professional secrecy and the requirements of the services from which the information originates;
 - *proportionality* between the nature of information requested and the objective of the check to be carried out;
- to this effect, each Member State needs to take appropriate measures for providing the most effective possible interface between its own services and those of the other Member States and the Commission;
- each Member State should ensure the transparency of these measures and of its control mechanisms and their modalities of operation, in particular by notifying them to the Commission and the other Member States. This notification should be made by the end of 1994 for the areas of activity mentioned in Annex 2.

23. The Commission, for its part, in close collaboration with the authorities of the Member States, in particular in those areas where Community legislation does not already provide details on the enforcement of its provisions, will examine, in particular through a programme of discussions by area of activity :

- cooperation systems which might be set up or strengthened in order to implement these principles;
- the form that these cooperation systems should take, on the principle that any solution must aim at maximum effectiveness at minimum cost, using the simplest possible procedures;
- such Community support measures as may be envisaged for developing and strengthening these cooperation systems, such as the publication of guidelines for implementation, the setting up and subsequent operation of telematic networks, the collection and analysis of data, the promotion of exchanges of civil servants, training activities, and so on.

On the basis of this examination, to be completed by the end of 1994, the Commission will identify the appropriate measures and formulate such proposals as may prove to be necessary. The results of these discussions will be assessed in the Commission's Annual Report of the Internal Market.

ANNEX 1

ADMINISTRATIVE COOPERATION: STATE OF PLAY

1. The October 1992 Report to the Commission by the High Level Group on the Operation of the Internal Market chaired by Mr. Peter Sutherland, entitled "The Internal Market after 1992: meeting the Challenge", contained an important section on "Enforcing the Rules through Partnership". The recommendations made under this heading aimed at the development of a cooperative approach to enforcement of Internal Market legislation through, inter alia, the establishment of a permanent framework for administrative partnership between Member States and the Commission, an analysis of the exercise of Community powers to handle urgent and serious consumer problems, including the possibility of a coordination unit within the Commission to ensure effective communication at Community and national level, and the drawing up of enforcement guides for groups of directives.

2. In its response to the Sutherland Report of 2 December 1992, the Commission said that implementation of the Report's recommendations would "reinforce the economic effects of the Internal Market, as well as its political dimension", and welcomed the main lines of the strategy for the management of Internal Market presented in the Report, "based on transparency, cooperation and decentralization of application". The Commission announced its intention to present to the Council proposals on guidelines for the development of administrative cooperation in the different fields covered by the Internal Market in its communication of 22 December 1993 "Making the most of the Internal Market": Strategic Programme⁷.

3. The following sections assess the state of play on administrative cooperation by considering the roles of the Commission and the Member States, the needs for and the current practice of administrative cooperation.

WHAT ARE THE ROLES ?

4. The roles of the Member States and the Commission described here are those which they should adopt for the purposes of administrative cooperation, without prejudice to the Commission's permanent obligation to ensure that Community law is implemented.

A. The Role of the Member States:

5. Under the Treaties the Member States retain responsibility for the implementation and enforcement of Community law within their jurisdiction. The development of administrative cooperation within the Community for the more effective

⁷ For references, see footnotes at page 1.

enforcement of the law does not alter that fundamental responsibility. Nevertheless, Member States exercise that responsibility within the framework of Community law and are bound by both general and specific obligations with respect to enforcement of that law. At the general level, Article 5 of the Treaty requires Member States to take all appropriate measures to ensure fulfilment of the obligations arising from the Treaty and to abstain from any measure which could jeopardize the objectives of the Treaty. More specifically, the Council has in some fields (for example, customs, indirect taxation, agriculture, foodstuffs and pharmaceuticals) adopted detailed secondary legislation in respect of the enforcement of Community law which requires Member States to take specific measures.

6. It should be recalled that the Court of Justice has in various rulings, notably in respect of infringement cases based on Article 30 et seq. of the Treaty, made clear that the Member States, when exercising their right to enforce national law (including non-harmonized provisions), are required to take account of certain principles inherent in Community law, in particular:

(a) Proportionality

In the absence of Community legislation, controls by the Member States must be reasonable and respect the fundamental requirement of free movement laid down in the Treaty (Henn and Darby, case 34/79, judgment of 14.12.1979; Casati, case 203/80, judgment of 11.11.1981);

(b) Mutual confidence

National authorities may not reimpose unnecessary testing, certification or inspection requirements if these have already been carried out by the national authorities of other Member States or competent organizations recognized by them (Biologische Producten, case 72/80, judgment of 17.12.1981; United Foods and Abeele, case 132/80, judgment of 7.4.1981; Woodworking Machines, case 188/84, judgment of 28.1.1986; Bouchara, case 25/85, judgment of 11.5.1989).

(c) Cooperation in the exercise of controls

Cooperation between different national authorities should take place in order to alleviate as far as possible the burden of administrative controls for economic operators, through, for instance, the exchange of information between authorities regarding the conformity of products to requirements, or by giving notice of control requirements and changes to them (De Peijper, case 104/75, judgment of 20.5.1976; Denkavit, case 251/78, judgment of 8.11.1979; Italian wine, case 42/82, judgment of 22.3.1983).

In summary, the Court has ruled that enforcement of the law should be proportional and non-discriminatory, directed at the simplification and alleviation of controls and reliant on mutual confidence and mutual recognition.

7. The Commission considers that the "obligation to cooperate" is implicit in Articles 5 and 30 of the Treaty and in Community case law, but, for the reasons indicated in paragraph 12 below, the need for cooperation has been reinforced by the removal of frontier controls.

Bilateral cooperation between the Member States is a necessary part of cooperation within the Community framework. Nevertheless, in a Community without internal

frontiers defective products manufactured in one country will find their way to another by an infinite number of routes, often passing through other Member States. Only if information concerning such products is made available to all authorities can effective action be taken to protect the interests of all Community citizens. Similarly, the conclusions arrived at by two or more Member States in relation to interpretation or application of Community legislation will be of interest to all Member States.

In addition, the obligation to cooperate may well help to reduce bilateral difficulties caused by different national rules in non-harmonized fields, and perhaps to accelerate their mutual recognition Community-wide.

B. The Role of the Commission

8. The role of the Commission in the implementation and enforcement process is to provide common services to the Member States which will assist them in their implementation and enforcement of Community law. These services may be of different kinds, according to the needs of the system:

- publication of interpretations of existing Community rules as a basis for common enforcement;
- the organization of meetings, seminars and conferences on enforcement issues to improve mutual understanding;
- the promotion of the progressive introduction of efficient, reliable and user-friendly communication and data exchange systems, combined with a high degree of co-ordination between the thirteen administrations involved;
- the development of common systems for presentation of requests for cooperation or of relevant data;
- the promotion of exchanges of national officials and joint training programmes for enforcement;
- the collection, translation and circulation of information on national enforcement structures and practice.
- in the case of Member States with less developed administrative infrastructures, financial contributions to strengthening these, including staff training.
- using the publication by the Commission of a new periodical presenting its documentation and its databases as a means of contact with the national administrations.
- on competition, a communication is to be issued towards the end of 1994 on cooperation between the Commission and the national competition authorities.

The extent of the services provided by the Commission will be determined case-by-case, and will depend on the degree of cooperation required by the national authorities. It is also clear that because of constraints on Community resources there will be limits on the services which the Commission can offer, and some priority-setting will be necessary.

9. Recent examples of the work now carried out by the Commission to support administrative cooperation systems include:

- the development and updating of Guides to Community legislation (such as New Approach and Public Procurement Directives) and interpretative communications;
- the work under the INSIS, CADDIA and pre-IDA programmes on setting up communication and data exchange networks linking administrations in priority areas (as for example indirect taxation, customs, veterinary and plant-health checks, and statistics) with a view to meeting the challenge of the abolition of checks at internal borders;
- the ongoing MATTHAEUS programme (adopted in 1991) for the training of customs officials through exchanges, seminars and common training modules and the similar MATTHAEUS Tax programme (adopted in October 1993);
- the five-year KAROLUS programme agreed in September 1992 for the exchange between Member State administrations of 1900 national officials engaged in the implementation of Community legislation in the area of the Internal Market, which will promote mutual confidence between national administrations;
- the work done under the SOSENET project which, as part of the ENS R&D programme, defined the architecture of telematic services for the coordination of social security schemes with a view to improving and simplifying current procedures, facilitating the access of the citizen to his rights and creating new services;
- an example of the type of result to which discussions on administrative cooperation can lead is the drafting of simple forms which eliminate a multiplicity of forms from different administrations and assist with language problems. Such forms are currently being considered by market surveillance authorities in the industrial and consumer product field as a means of requesting information from and responding to each other easily and quickly to assist their investigations into product safety and conformity;
- in the field of indirect taxation, the Commission was able to work closely with the Member States to set up all the mechanisms required to enable fiscal frontier controls to be abolished in time for the abolition of frontier controls on 1 January 1993. These included a telematic VAT Information Exchange System (VIES), detailed procedures for the control of movements of goods liable to excise duty, a network of Central Liaison Offices together with a common directory of their structures and personnel, standard forms for information requests and replies, training seminars and exchange visits for national officials, and arrangements for monitoring and improving the system. This shows what can be achieved by close collaboration within a clear legal and institutional framework;
- on customs and agriculture, the Commission has sent the Council a proposal to improve the existing mechanisms for mutual assistance in order to take into account the changed conditions of the Internal Market⁸. This provides, inter

⁸ Amended proposal for a Council Regulation (EC) on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters (COM(93) 350 final - SYN 450, 1 September 1993). (OJ C 262, 28.9.93, p. 8).

alia, a framework for the computerized Customs Information System (CIS), which has been operating since October 1992.

- Directive 93/99/EC on the subject of additional measures concerning the official control of foodstuffs⁹ and Regulation (EC) 793/93 on the evaluation and control of the risks of existing substances¹⁰ both provide a framework for scientific cooperation;
- the creation of the European Agency for the Evaluation of Medicinal Products¹¹ also provides coordination on the enforcement of Community law.
- the maintenance and development of SIGL (System for the Management of Import and Export Licences). This system allows Member States, and the Commission, to be informed about the import and export licences issued or denied, and thus manage or monitor the external fence. The agreement by the Council on 8 February 1994 on a common import regime will provide a spur to administrative cooperation on imports, and will facilitate the Commission's management of the external dimension of the single market.

10. In resource terms, it should be emphasised that while it will be possible to redirect some resources from legislative activity to administrative cooperation, the implications of these Commission-led supportive measures should be taken into account. They can be expected to increase as Community legislation already adopted comes into force. The Commission intends, in the light of the more precise definition of needs for all sectors that will take place in the coming months, to come forward with appropriate proposals.

WHAT ARE THE NEEDS?

11. In its effort to establish a single market over the past nine years the Community has adopted harmonized legislation in a wide variety of sectors in order to achieve such common objectives as a high level of protection of health and safety for its citizens and equal conditions of competition for its enterprises. In parallel, measures have been adopted to check distortions to competition, such as Regulation 4064/89 on concentrations between undertakings, adding to the rules on abuse of dominant positions, cartels and state aids, which are contained in the Treaty and are also essential to ensuring the development of the Internal Market. The Commission now has to ensure that this legal framework is applied in a coherent and consistent way throughout the Community. This task is not new - it follows in particular from Article 5 of the Treaty and has been clarified in the case law of the Court of Justice - but it demands a degree of coordination between authorities which are organized and operate differently in each Member State. Uneven or incomplete application of Community law will not only reduce the overall benefits of the Internal Market and affect the interests of the citizens or enterprises concerned, it will also jeopardize the mutual confidence which underlies the whole Internal Market structure.

⁹ OJ L 290, 24.11.1993, p. 14.

¹⁰ OJ L 84, 5.4.1993, p. 1.

¹¹ Council Regulation (EC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products (OJ L 214, 24.8.1993, p 1).

12. The need for administrative cooperation between the Member States has been reinforced by the abolition of internal frontiers within the Community. The right to move goods across the Community without any form of frontier checks has extended to Community level the situation that previously only existed within each individual Member State. The administrative structures and procedures, both formal and informal, that exist at national level in order to ensure that regulations are properly applied throughout the national territory may now have to be developed at Community level. All measures which can render enforcement of this legislation as homogeneous as possible should be considered, and first among these should be cooperation between administrations responsible for enforcing the legislation.

13. In harmonized areas, the Community has already established certain mechanisms for cooperation between national authorities (and between those authorities and the Commission) in respect of the implementation and enforcement of some Internal Market legislation. This is particularly the case for administrations directly involved in the operational consequences of dismantling customs and tax controls at internal frontiers, in managing the external frontier and also in sectors which have an immediate link with public health, such as animal and plant health controls, foodstuffs or pharmaceutical products. In other fields, however, such as that of Community harmonized legislation for industrial products, no such detailed mechanisms have been established. The question before the Community is whether mechanisms are necessary in such fields, and if so, what form they should take.

14. In non-harmonized areas, it may also be worth considering the case for establishing some appropriate mechanisms for administrative cooperation to help resolve practical difficulties which can arise from those aspects of the four freedoms of movement which are not subject to harmonization. As is explained above, the Court has already made it clear that certain basic obligations on Member States to cooperate apply equally to harmonized and non-harmonized fields, and the Commission therefore believes there is scope to explore possibilities for administrative cooperation in the non-harmonized area.

15. Based on existing Community experience, it is possible to identify the kinds of problems or needs which give rise to closer administrative cooperation. These needs reflect the expectation that Community rules will be applied fairly and effectively.

(a) Needs arising from innovation

Although the interpretation of the law rests with the courts, effective application of the law requires that rules are understood in a similar way by all those who must apply them. Even after detailed guidelines for interpretation of legislation have been drawn up, there is a need for all bodies concerned to take account of new circumstances or new technological developments. There is, consequently, a need for exchange of information between Member States and the Commission in respect of these issues in order to ensure as far as possible a common interpretation of the regulations in question.

(b) Needs arising from assessment of individual cases

A second need relates to the assessment which each administrative unit makes on particular cases on a day-to-day basis before it applies the rules. Thus the market control authorities in one region may from time to time require technical information held in another region (such as records of the

original approval of a product or inspection of a factory) before they can decide on the conformity of the product to regulations. Such information has to be received quickly if it is to be useful to the authorities concerned.

Exchange of information is also necessary to ensure free movement of goods. For instance, when a product from one Member State is found not to be in conformity by another Member State measures may be taken to modify or withdraw the product. These measures of control have to be proportionate according to the Court of Justice and administrative cooperation is necessary to ensure that they are limited to what is strictly necessary (for instance, by checking only the product batch that is not in conformity rather than the entire production run).

(c) Needs arising from the implementation and enforcement of decisions

Administrative cooperation is needed to ensure effective implementation and enforcement of a decision whenever the responsibilities of the authority taking the decision do not cover the entire territory in which the regulations are in force. Cooperation between two or more authorities may be necessary, for instance, in order to ensure that a product found to be unsafe in one area is no longer manufactured in another area or marketed in a third. Cooperation is also necessary to ensure that effective remedies have been found in a Member State from which a non-conforming product or service originates, in order to achieve equal conditions of competition in the Internal Market.

(d) Needs related to the adequacy of legislation

The information obtained through the enforcement of existing legislation may provide the technical evidence that legislation is inadequate by, for example, identifying problems that can only be satisfactorily resolved by an extension or revision of the legislation itself. The successful development or adaptation of legislation may thus depend to some extent on the effectiveness of feedback from enforcement authorities, in addition to such feedback as the Commission can obtain for itself, for example through its network of Euro Info Centres.

16. Mechanisms to facilitate common interpretation, informed assessment and effective enforcement of controls already exist at Community level in a few sectors where harmonized legislation is of long standing; the challenge before the Community today is to examine the effectiveness of these mechanisms and extend the commitment to administrative cooperation that characterizes those sectors to a wider area, while bearing in mind that the needs of each sector in terms of the degree of cooperation required will vary. The needs of each mechanism will in any case have to be defined at the operational level in each sector, in a decentralized manner.

17. In contrast to the relative homogeneity of administrative practice within each Member State, the organization of administrative cooperation in the Community context must take account of significant differences between the Member States in the manner in which public authorities enforce regulations, which are reflected in different organizational structures, operational practice and the overall level of resources devoted to enforcement. Unfortunately, in many areas of Community legislation precise information is not available about the administrative means by which the Member States enforce Community law, although such information is important for

developing the mutual confidence necessary to promote effective cooperation across the Community.

18. To ensure good communication, the Commission considers that the first priority is that the bodies concerned must be identified, together with the way in which they will interface with corresponding bodies in other Member States.

Secondly, a greater transparency of national enforcement systems, on a sectoral basis, would materially assist all those in the Community involved in administrative cooperation in this field. Indeed, where there are weaknesses in enforcement structures, it might be possible to envisage supportive measures at Community level, e.g. training programmes, exchanges of officials.

19. Thirdly, another argument for administrative cooperation is the need to overcome communication problems deriving from differences of language and communication and data exchange infrastructure. If administrative cooperation across the Community is to achieve comparable levels of efficiency to the best national systems, major efforts will have to be made to overcome these cultural and structural obstacles through supportive measures, using where appropriate data communication networks.

The growing need for administrative cooperation may in some cases require the establishment of an efficient, reliable and user-friendly system of communication and data exchange between administrations, in particular electronic mail. At the same time, it is necessary to take account of the particular needs of public administrations, especially in terms of data security, confidentiality and certification, if electronic data is to take the place of traditional media.

Modalities for organizing the interface between members of an administrative cooperation network must also take into account how essential it is to ensure effective communication by using the simplest and most appropriate means (such as standard forms, the provision of a central contact point with suitable communications and interpretation, so as to facilitate decentralized relationships where necessary).

WHAT IS CURRENT PRACTICE ?

20. This section provides a short review of the present state of administrative cooperation within the Community. It reflects a two-part exercise which the Commission has undertaken to obtain a broad perspective, as part of its follow-up to the Sutherland Report:

- a survey of the management of urgent cases as provided for in Community legislation;
- discussions with the Member States in a series of sectoral meetings of the less well known problems related to enforcement of Community legislation and the identification of "contact points" to deal with enforcement problems.

21. With respect to the management of urgent cases, the Commission has recently issued a separate communication which reviews existing urgency procedures for consumer goods (food and non-food), medicines, medical devices, radioactive

contamination and veterinary and phytosanitary controls¹². These procedures, which by definition involve the rapid transmission of information between Member State authorities and the Commission, exemplify some of the issues to be resolved through administrative cooperation in an acute form. Although the operation of these procedures is largely judged to be satisfactory, the Commission suggests a number of improvements in the procedures which should be further discussed with the Member States, such as:

- improvement of the communication and data exchange systems used;
- restriction of the use of procedures to genuine emergencies;
- more precise information to be supplied in order to facilitate reactions from other authorities;
- wider participation in these procedures by all Member States;
- the development of common rules for confidentiality/publicity in respect of urgent cases.

22. The sectoral meetings on administrative cooperation outside the framework of urgent cases have been organized in collaboration with the Member State representatives on the Advisory Committee for the Internal Market. Rather than concentrate attention on those fields where mechanisms for administrative cooperation are of long standing (e.g. customs or pharmaceuticals), they have covered a variety of fields such as the "New Approach" to technical harmonization, dangerous substances, foodstuffs, the recognition of diplomas, veterinary controls, and human and veterinary medicines. Following these meetings, some important points have emerged, as follows:

The variety of cooperation mechanisms

23. The examination so far of cooperation mechanisms between the Commission and the Member States for the implementation and enforcement of Community law now in place has shown that these take various forms. Some of them have been tried and tested over a long period of time, others are still embryonic. Some are formalized and detailed, with binding procedural rules, while others are informal and voluntarist, essentially based on ad hoc bilateral contacts between the Member States with little Community-level activity.

24. Although the range of solutions chosen is very wide, there are nevertheless a number of criteria against which it is possible to measure the relative stage of development of each cooperation system, such as:

- Are there detailed Community rules with respect to enforcement ?
- What is the scope of such rules ? (Are they limited to codification of information exchange, for example, or do they indicate the powers of control and intervention which Member States must exercise ?)

¹² See reference at page 1.

- Is there Community-level decision-taking with respect to the information provided by national enforcement authorities ?
- Is there a Community-level body that is clearly responsible for monitoring enforcement and is enforcement data collected or exchanged at Community level ?
- Are there Community-level measures aimed at improving coordination between enforcement officials (meetings, seminars, newsletters, exchange visits, joint training, joint inspections) ?
- Are there systems in existence or under development which go beyond the Community scale (under the OECD, the UN etc.) ?

25. A consensus has emerged from the Commission's consultations so far with those responsible for enforcement of legislation that the choice of modalities for cooperation should be left to those responsible for the legislation concerned. Differences in structures and procedures reflect different needs. It is not necessary to establish similar degrees of cooperation for issues which present different kinds of risk. More important than a homogeneous or "standardized" approach is the need for a clear definition of each system and, as is discussed below, the need for all participants to be equally bound by the rules of that system.

A balance between informal and formal cooperation

26. In those areas where the Community has not yet agreed on detailed rules for the enforcement of Community law, national enforcement authorities are sometimes reluctant to contemplate the establishment of such rules. A widely-held assumption is that cooperation between enforcement authorities in different Member States will occur wherever necessary as a matter of course, that such cooperation is normal practice in any efficient administration, and that cooperation can be left to the discretion of the authorities concerned.

27. Although the development of such an informal ("voluntary") approach to administration cooperation at Community level may be a helpful first step and shows that Member States recognize the need to establish regular contacts between national authorities, it may not always be a sufficient basis for the effective operation of a single market. The Commission notes that within the Member States enforcement activity is usually the subject of detailed administrative arrangements for internal coordination, even where enforcement of legislation is highly decentralized. (The area of public procurement is a notable exception.) Information is usually exchanged on a systematic basis between local or regional authorities; sometimes it is kept in a centralized or widely-accessible database.

If Member States organize cooperation within their own borders, it seems paradoxical that they should be reluctant to do so in the Community context, where the practical difficulties in the way of cooperation, such as language barriers and diversity of national organizational structures, are obviously greater. Given that the Community market will now have to be managed with the same degree of efficiency as national markets hitherto, the development of some minimal rules for the enforcement of Community law must be a high priority.

Unequal participation in Community cooperation systems

28. In its review of existing cooperation systems, and particularly those dealing with urgent cases, the Commission has noted that the participation of Member States in the system is often unequal. For instance, some Member States never notify problems or emergencies under the systems in place or, where the system provides for Member States to react to the information circulated, never react or do so with considerable delay. This is not a question of deliberate infringement of Community law. It may reflect structural problems in the organization of enforcement in the Member State concerned.

29. It is not possible to assess the causes for apparent failures of cooperation systems without further knowledge of the national administrative systems in place. Because of the high degree of mutual interdependence which characterizes the management of the single market, the Member States have a responsibility to assist the Commission in efforts to achieve greater transparency of national systems. If genuine structural problems are identified in enforcement at national level, it may be necessary to provide for the possibility of Community support to certain Member States in order to assist them to put into place the infrastructure necessary for the effective enforcement of Community law. Without the assurance that, broadly speaking, Community law is being enforced in a comparable way in all Member States, it is unlikely that the objectives of Article 7 A of the Treaty will be realized.

30. The Commission concludes from this examination that mutual confidence will be increased, and Community law applied more effectively, where there are explicit rules for administrative cooperation. It considers that it is important to examine the need to establish mechanisms for administrative cooperation in fields where none exist, and that such an examination should be based on a policy framework for administrative cooperation derived from experience already gained in some areas.

The Commission suggests that, in all cases where Community legislation does not already contain detailed provisions relating to cooperation in respect of enforcement:

- all systems of administrative cooperation should be based on a Community framework of guidelines; and
- the modes of cooperation appropriate for the sector concerned should be agreed at Community level, in discussions between the Commission and national authorities.

ANNEX 2

**Programme of discussions
concerning administrative cooperation
in the implementation and enforcement of Community law**

Areas to be covered

Discussions will be organized in the context of a Community framework for administrative cooperation. Discussions should take place first in those fields where there has been little or no experience of administrative cooperation, and particularly on those which involve consumer products and services or are known to pose problems for enforcement authorities. Where mechanisms already exist and are largely satisfactory, it is more a matter of identifying possible improvements, and discussions can be undertaken in the medium to longer term.

Further areas of activity will be included in these discussions as Community legislation develops.

- Technical harmonization: directives to remove barriers to trade
- Public procurement
- Firearms.
- Dual use goods
- General Product Safety Directive
- Telecommunications
- Foodstuffs, animal and plant health, veterinary medicines
- Notification of technical regulations
- Customs
- Taxation
- Drug precursors
- Cultural goods
- Right of establishment
- Company law
- Insurance, banking, securities
- Intellectual property
- Broadcasting
- Transport
- Unharmonized fields.

FICHE FINANCIERE
COOPERATION ADMINISTRATIVE
DANS LE CADRE DU MARCHE INTERIEUR

crédits autorisés en 1993		crédits demandés en 1994		variation en %	
Engagements	Paiements	Engagements	Paiements	Engagements	Paiements
1	2	3	4	5	6
64.597.000		51.830.000		-19.76%	

1. Intitulé de l'action

Développement de la coopération administrative pour la mise en oeuvre et l'application de la législation communautaire dans le cadre du marché intérieur (qui est aussi cité dans le programme stratégique pour le marché intérieur). (La majorité de ces dépenses figurent également dans la fiche financière pour ce programme).

2. Lignes budgétaires concernées

voir point 7.2 ci-dessous.

3. Base légale

Traité instituant la Communauté européenne et notamment ses articles 5, 7A, 30 à 36, 52 à 66, 100, 100A, 100B, 129B à D.

4. Description de l'action

4.1 Objectif général de l'action

-Mettre en place un système de coopération administrative cohérent entre les Etats membres, et entre ceux-ci et la Commission, pour l'application effective de la législation communautaire;

- Faciliter le développement des réseaux télématiques entre administrations nationales et entre celles-ci et les instances européennes.

Les actions proposées se fondent notamment sur les communications et résolutions suivantes:

a) Communications

- Communication de la Commission, du 7 octobre 1991, sur "Les besoins d'échanges d'informations entre administrations pour assurer le fonctionnement du marché intérieur" - (SEC(91) 1752 final).

- Communication de la Commission, du 2 décembre 1992, " Le fonctionnement du marché intérieur de la Communauté après 1992 - Suivi du Rapport Sutherland" (SEC(92) 2277 final).

- Communication de la Commission, du 12 mars 1993, sur les réseaux télématiques transeuropéens entre administrations - (COM (93) 69 final).

- Communication de la Commission, du 2 juin 1993, "Renforcer l'efficacité du marché intérieur - Pour un programme stratégique sur le marché intérieur" (COM(93) 256 final).

- Communication de la Commission, du 22 décembre 1993, " Tirer le meilleur parti du marché intérieur : Programme stratégique" (COM (93) 632 final).

b) Résolutions :

- Résolution du Conseil, du 7 décembre 1992, sur les moyens d'assurer le bon fonctionnement du marché intérieur (JO n° C 334 du 18.12.1992, p.1).

4.2 Période couverte par l'action

Action permanente qui va au-delà de l'échéance de 1993 prévue à l'article 7A du Traité CE, afin d'assurer le fonctionnement du marché intérieur et le progrès vers l'Union économique et monétaire.

5. Classification de la dépense

5.1 DNO

5.2 CD

5.3 sans objet

6. Type de la dépense

Les dépenses opérationnelles, qui vont faire l'objet, ou font déjà l'objet, d'actions séparées, comprennent pour l'essentiel :

- des contributions financières et des subventions (notamment celles qui sont destinées aux organismes européens chargés de la coopération administrative dans les secteurs spécifiques);
- des obligations financières découlant de contrats d'études préparatoires, de faisabilité ou d'évaluation, qui contribuent à la coopération entre administrations pour la mise en oeuvre du marché intérieur, (notamment dans le cadre de la mise en place des réseaux télématiques entre administrations) et à la réalisation d'autres objectifs politiques liés à l'achèvement et au fonctionnement du marché unique;
- des subventions destinées au soutien de projets d'intérêt communautaire entrepris par des organismes extérieurs;
- le financement d'actions des échanges de fonctionnaires, de formation, d'information et de programmes de communication.

7. Incidence financière

7.1 Mode de calcul du coût total de l'action

Le passage de l'échéance de 1993, où l'accent était mis sur la réalisation des objectifs législatifs du Livre blanc, a impliqué une révision importante des intitulés de la ligne "Marché intérieur" en vue du projet de budget pour 1994. Cette révision comportait une modification des actions types correspondant aux orientations politiques contenues dans les communications de la Commission au Conseil et au Parlement, du 2 décembre 1992 "Le fonctionnement du marché intérieur de la Communauté après 1992 - Suivi du Rapport Sutherland" (SEC (92) 2277 final) et du 2 juin 1993 "Renforcer l'efficacité du marché intérieur - Pour un programme stratégique sur le marché intérieur" (COM (93) 256 final). Le programme stratégique (COM (93) 632 final) qui vient d'être adopté, et dont la coopération administrative est l'une des composantes principales, vise à approfondir ces actions types modifiées face aux changements qualitatifs dans la mission des services pour la surveillance de la mise en application de la législation communautaire dans le cadre d'une coopération administrative renforcée avec les Etats membres.

Il est évident que dans une certaine mesure les ressources existantes peuvent être redéployées pour faire face au nouveau défi. Ceci pourtant nécessite un examen approfondi des allocations existantes afin d'identifier les opportunités de redéploiement. Par ailleurs, il est clair que pour certaines de ces tâches les ressources existantes sont insuffisantes. Dans d'autres cas, il est aussi clair que les implications en termes de ressources ne peuvent pas être chiffrées, avant que des travaux complémentaires décrits dans le programme stratégique soient achevés permettant une évaluation précise des besoins.

Ceci dit, la présente fiche financière tente, dans un premier temps, de faire le bilan des lignes budgétaires associées aux politiques marché intérieur et d'établir l'ordre de grandeur des montants affectés à la coopération administrative dans la poursuite des politiques correspondantes. Il faudrait ajouter que les montants mentionnés ci-dessous ne seront pas tous utilisés pour la coopération administrative, la répartition entre les différents aspects étant impossible de chiffrer à présent.

7.2 Ventilation par éléments du coût total de l'action

Les chiffres ci-après reprennent la situation telle quelle s'est précisée dans l'Avant Projet de Budget 1994.

Ventilation par grandes lignes du programme * (indique que le volet comporte aussi des actions nouvelles)	Lignes budgétaires concernées (en tout ou en partie)	Budget 1993	Budget 1994
-Coopération administrative *	B3-4015	30.000.000	-
-Surveillance de la mise en application*	B5-108	1.000.000	1.000.000
-KAROLUS:	B5-3000	1.420.000	2.130.000
-MATTHAEUS et MATTHAEUS-Tax	B5-3051	2.427.000	2.900.000
-Echanges vétérinaires	B2-5101	250.000	-
Réseaux transeuropéens*	B5-7210	17.000.000	20.000.000
	B5-7211	-	10.000.000
	B5-7212	9.800.000	12.900.000
	B5-7213	2.000.000	2.000.000
	B5 -7214	700.000	900.000
TOTAUX		64.597.000	51.830.000

*(indique que le volet comporte aussi des actions nouvelles).

7.3. Echancier indicatif des crédits

Les communications spécifiques aux actions particulières donneront tous les éléments d'appréciation utiles.

8. Dispositions anti-fraude prévues

La vérification des subventions ou de la réception des prestations et études préparatoires, de faisabilité ou d'évaluation commandées est effectuée par les services de la Commission avant paiement, en tenant compte des obligations contractuelles et des principes d'économie et de la bonne gestion financière ou globale. Des dispositions anti-fraude (contrôle, remise de rapports, etc.) sont inclus dans tous les accords ou contrats conclus entre la Commission et les bénéficiaires des paiements.

Le contrat-cadre conclu en 1992 entre la Commission et les organismes européens de normalisation prévoit, par exemple, une présentation très claire des coûts associés avec la préparation de normes européennes dans le cadre des mandats qui permettront un contrôle efficace des dépenses effectuées.

De manière générale, toutes les actions permanentes font l'objet d'un suivi régulier de la part des services concernées, ainsi que pour les actions ponctuelles, d'une évaluation ex-post. Des informations, statistiques et autres, fournissent une aide dans l'évaluation du progrès des actions communautaires et contribuent ainsi à la consolidation du dispositif anti-fraude.

Dans plusieurs règlements, des dispositions spécifiques sont prévues et les mesures de contrôle internes se fondent sur la vérification de conformité aux faits par les chefs d'unités responsables de la gestion de projets et de programmes individuels.

9. Eléments d'analyse coût-efficacité

9.1 Objectifs spécifiques et quantifiables, population visée

Les objectifs spécifiques de cette action relative à la coopération administrative dans le cadre du marché intérieur sont repris ci-après.

Il s'agit de la gestion de la mise en oeuvre de la législation communautaire qui passe par la surveillance du respect des Etats membres de leurs obligations communautaires;

Il faut assurer la qualité de la mise en application à travers un encadrement cohérent de la coopération administrative avec le soutien technique nécessaire, la surveillance de la mise en application des règles communautaires et moyens de résoudre des problèmes de cette mise en application.

Dans le cadre de la subsidiarité, la Commission n'intervient que là où il s'avère dans les examens de secteurs prévus dans la communication que les structures existantes ne garantissent pas une application efficace de la législation pour le marché intérieur dans tous les Etats membres, pour un secteur spécifique. Pour les secteurs non harmonisés,

un renforcement de la coopération administrative peut même éviter la nécessité de légiférer.

La population visée par l'action est celle des administrations nationales.

9.2. Justification de l'action

L'ensemble de cette action relève du principe d'attribution à la Commission des compétences d'exécution de règles établies par le Conseil dans le cadre de la réalisation et le fonctionnement du marché intérieur. Il est à rappeler que le Conseil, par sa résolution du 7 décembre 1992 sur les moyens d'assurer le bon fonctionnement du marché intérieur, a invité les Etats membres et la Commission à examiner la nécessité de renforcer la coopération afin de résoudre tout problème d'ordre pratique qui pourrait se poser. Le Parlement, par sa résolution du 18 décembre 1992 sur le suivi à donner au programme du marché intérieur de 1992, a également invité la Commission à prendre les mesures nécessaires pour faire face au défi qu'impose le fonctionnement du grand marché. La Commission, pour répondre à cet objectif, par sa décision du 23 décembre 1992, a mis en place un comité consultatif pour la coordination dans le domaine du marché intérieur.

Pour les actions en cours il n'y a pas véritablement de solution alternative à une action communautaire, car toute carence de la Commission dans le domaine de l'achèvement et du suivi du fonctionnement du marché intérieur risquerait d'entraîner la mise en place de politiques nationales divergentes.

Toutefois, la Commission examine en permanence les différentes possibilités de réponses aux exigences d'économie et d'efficacité.

C'est ainsi qu'en matière de normalisation, la stratégie, qui était fondée initialement sur une harmonisation détaillée des législations nationales, se poursuit actuellement sur deux orientations complémentaires:

- la reconnaissance mutuelle des règles nationales;
- la limitation du rapprochement des législations au niveau communautaire aux seuls cas où les objectifs des législations nationales ne sont pas équivalents.

En outre, la Commission, dans le cadre du suivi du Livre vert sur la normalisation, a introduit des changements importants au système de financement de la normalisation européenne.

En ce qui concerne le plan d'action pour l'échange de fonctionnaires nationaux entre les administrations des Etats membres (programme KAROLUS), une participation des administrations concernées a été fixée à hauteur de 50% des indemnités de séjour durant la période d'échange, les autres frais étant à la charge du budget communautaire. Ce programme est complémentaire aux autres programmes d'échanges adoptés par le Conseil dans certaines domaines spécifiques c.à.d. MATTHAEUS, MATTHAEUS-TAX, et le domaine vétérinaire.

9.3 Suivi et évaluation de l'action

Indicateurs de performance sélectionnés

- a) Nombre d'échanges de fonctionnaires effectuée dans le cadre des programmes KAROLUS, MATTHAEUS, MATTHAEUS-TAX et dans le domaine vétérinaire.
- b) Etablissement et fonctionnement des réseaux télématiques entre les administrations chargées de la surveillance du marché intérieur et entre celles-ci et la Commission.

Modalités et périodicité de l'évaluation prévue

L'évaluation des travaux relatifs au fonctionnement du marché intérieur se fait sur base annuelle par l'intermédiaire des actions et des interventions du comité chargé de la coordination du marché intérieur. Ce rapport est prévu dans la Communication de la Commission, du 2 décembre 1992, "Le fonctionnement du marché intérieur de la Communauté après 1992 - Suivi du Rapport Sutherland" (SEC(92) 2277 final),

Pour le programme KAROLUS, il est prévu à l'article 18 de la décision de la Commission (93/10/CEE) fixant les dispositions d'application du programme, que la Commission établisse un rapport financier annuel sur l'exécution du programme et que ce dernier soit transmis aux coordinateurs nationaux de manière à permettre le suivi de sa mise en oeuvre.

(Eléments pour information interne)

10. Dépenses administratives (Partie A du Budget)

NOTE: Il faut rappeler qu'il y a des sommes déjà inscrites en Partie A destinées aux tâches spécifiques de surveillance dans certains secteurs du marché intérieur, et pour les frais de réunions de comités, dont la part qui devra être imputée à la coopération administrative ne peut pas encore être estimée.

10. 1 L'action proposée implique-t-elle une augmentation du nombre des effectifs de la Commission? Si oui, combien?

Oui. Il est probable que le développement de certaines actions dans le cadre du volet "coopération administrative" du programme stratégique peuvent générer des dépenses de fonctionnement supplémentaires et des demandes d'augmentation des effectifs. Bien

que quelques évaluations préliminaires et partielles ont été fournies à la DG XV par certains services, à ce stade, et avant d'analyser les besoins en détail, en coordination, le cas échéant avec les Etats membres, aucune estimation fiable ne s'avère possible. Les actions spécifiques découlant du programme stratégique feront l'objet des fiches financières individuelles donnant tous les éléments d'appréciation nécessaires.

Néanmoins, il est possible d'évaluer les effectifs nécessaires au suivi de la coopération administrative dans 14 des 17 secteurs mentionnés dans l'annexe 2 (en estimant qu'au moins 3 secteurs ont déjà des systèmes qui n'ont pas besoin de davantage de personnel). Un fonctionnaire A et un fonctionnaire C devraient suffire aux besoins de 2 secteurs, ce qui impliquerait un total à 7 fonctionnaires 'A' et 7 fonctionnaires 'C'.

Une partie de ces effectifs pourrait être trouvée via une réallocation des ressources ou un redéfinition des tâches du personnel actuellement occupé à organiser des réunions de comités pour préparer la législation. Ceci particulièrement dans des secteurs où l'effort législatif a diminué. Aussi, ces effectifs seront nécessaires au fur et à mesure de l'introduction de nouvelles structures de coopération administrative. Il n'y aura probablement pas besoin de fonctionnaires supplémentaires pendant l'année 1994, mais il feront l'objet de demandes pour l'établissement du budget 1995.

Il est clair que des demandes pour des effectifs statutaires doivent être présentées en tenant compte des perspectives financières et des enveloppes en vigueur pour les exercices budgétaires concernées.

10.2 Indiquez le montant des dépenses de fonctionnement et de personnel générées par la proposition d'action. Explicitiez le mode de calcul.

On pourrait envisager un comité pour la coopération administrative par secteur, qui se réunirait une fois par an. Chiffrées à 15 000 ECU par réunion (ligne A-2510), fois 14 secteurs, ceci donne des dépenses s'élevant à 210 000 ECU par an. Mais celles-ci pourraient être partiellement compensées par la probabilité qu'il y aura moins de réunions de comités pour des consultations sur la législation nouvelle.

Pour le personnel statutaire mentionné au point 10.1, on obtient des dépenses de 14 fois 90 000 ECU/an, soit 1 260 000 ECU par an, des titres A1, A2 et A5 du budget..

De nouveau, toutes ces dépenses seront étalées au fur et à mesure que les nouvelles structures éventuelles seront introduites. La liste des secteurs n'est pas définitive. Lors des discussions qui vont précéder la mise en place d'un changement de structure quelconque, il peut s'avérer que certains secteurs n'ont besoin d'aucunes mesures supplémentaires, ou que d'autres peuvent être ajoutés à la liste.

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