



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From: Presidency
To: Delegations
Subject: Revised draft Council Conclusions on Single Market Policy

Delegations will find in Annex Revised draft Council Conclusions on Single Market Policy.

Revised draft Council Conclusions on Single Market Policy

"THE COUNCIL (COMPETITIVENESS)

Governance of the Single Market

1. **ACKNOWLEDGES that urgent measures are needed at the level of EU and Member States in order to boost growth and jobs and make Europe more competitive as location for production and investment. RECOGNISES that deepening the Single Market by removing remaining barriers will be a key factor in order to achieve these objectives.**
2. WELCOMES the Annual Growth Survey and the second Annual Commission Report on the state of Single Market integration, and LOOKS FORWARD to a discussion on the policy priorities set out therein for both EU and Member State action, ~~including in the sectors of services, energy, transport and the Digital Single Market.~~
3. ~~UNDERLINES that Single Market policies provide a significant contribution to the structural reforms required to boost growth and jobs across the EU and HIGHLIGHTS that additional action is required to further develop the Single Market in the priority sectors identified.~~ AGREES that the results of the Annual Report should be fed into the European Semester process on a regular basis, both at EU and at Member State level. RECOGNISES **the need for a stronger** ~~an important~~ role of the High Level Group on Competitiveness and Growth in monitoring and providing guidance in that regard.

* Changes compared to doc. 14380/13 are indicated in **bold/underlined** and ~~strikethrough~~.

4. NOTES that the analytical framework used as a basis for the Report can still be strengthened with a view to getting more concrete **economic** evidence as regards **the functioning of** the Single Market **and** the application **of its** rules **legal framework in the priority sectors for growth and jobs**.
5. WELCOMES the new online Single Market Scoreboard as a useful tool to monitor the application of EU law. ~~To strengthen its economic dimension,~~ INVITES the Commission together with Member States to ~~establish~~ **put forward** by the end of 2014, based on currently existing sources **and available data**, a set of qualitative and quantitative indicators aimed at measuring the effects of application of the Single Market rules.
6. URGES Member States to properly and timely implement the rules of the Single Market so as to **further** unlock its full growth potential. CALLS UPON the Commission for ~~stronger~~ **systematic** monitoring of implementation and **better** enforcement of the Single Market rules ~~using all available tools, inter alia the~~ **through monitoring** Country-Specific Recommendations under the European Semester, **where those rules provide a significant contribution to the structural reforms**.
7. HIGHLIGHTS the responsibility of the co-legislators, and of the Commission ~~in its role as guardian of the Treaties, including throughout the legislative process,~~ to ensure the consistency **and quality** of the **EU** legal framework. The latter should be designed to enable businesses to sell **goods and provide services** everywhere in the EU **as easy as on the home market**, ~~including online,~~ and allow consumers to have access to the widest possible choice, whilst benefiting from a high level of consumer protection, **taking due account of the online dimension**.

8. **RECALLS that, in order to reach this objective, all relevant instruments should be used including, where appropriate, harmonisation as well as mutual recognition.**

UNDERLINES the importance of the principle of mutual recognition and its evident benefits already brought to several important areas such as the free movement of goods and the mutual recognition of professional qualifications; CALLS on the Member States to ensure proper application and enforcement of the principle of mutual recognition in those areas where it is already applicable; to this end, INVITES the Commission, with active involvement of stakeholders, to identify sectors and markets where the application of the principle of mutual recognition is economically most advantageous but is insufficient or problematic, and report its findings to the Council by the end of 2014 **[2015]**; INVITES the Commission to renew its commitment to present biennial reports on such evaluation.

9. WELCOMES the positive results ~~obtained~~ **achieved** during 2013 regarding transposition by Member States of Single Market legislation **while HIGHLIGHTING the importance of realistic transposition deadlines**; STRESSES the transparency, for example via exchanging best practises, as an important measure for further improvement in transposition time and quality; WELCOMES the Commission's commitment ~~and CALLS ON the Commission~~ to enhance its support to Member States in their transposition and implementation process, including through on-line fora in the key areas identified in its Communication of June 2012 on "Better governance for the Single Market";

10. STRESSES ~~the need to further develop the Your Europe portal in order to make it a truly comprehensive and user friendly multilingual single gateway to information and assistance on EU rights in the Single Market for citizens and enterprises;~~ **WELCOMES the Commission's Action Plan to boost the Your Europe portal.** ~~in this respect.~~ INVITES the Member States to provide the necessary information about relevant national rules and procedures **and together with** the Commission ~~to exploit synergies between the information at EU and at national level in order to avoid duplication.~~ ~~to provide the necessary information about relevant national rules and procedures;~~ WELCOMES the Commission's commitment in its Action Plan ~~to boost Your Europe to improve and promote the portal.~~

11. CALLS ON the Commission, in cooperation with Member States, to further enhance **coordination** ~~integration~~ of existing electronic Single Market governance tools, strengthen interlinkage between existing EU-based, **as well as EU-based and national** information and notification systems **in order** to foster transparency, increase user-friendliness and allow cost savings **for European enterprises and citizens**.
12. ACKNOWLEDGES the contribution of the Internal Market Information System (IMI) to a better functioning Single Market and ~~WELCOMES the expansion of its functions in the area of notifications under the Single Market rules~~; NOTES the range of tools at Member States' disposition to fulfil their notification and information provision requirements at EU level and STRESSES the need for more analysis and use of the notifications and data received using these tools to prevent disproportionate and unjustified barriers in the Single Market; therefore INVITES the Commission to carry out such analysis of notifications relevant for cross-border activities regularly, discuss them at expert level with Member States, **take measures where necessary**, and report results to the Council;
13. ACKNOWLEDGES the unique role SOLVIT plays in solving problems citizens and business encounter in the Single Market and [ENDORSES] the Commission's Recommendation of 17 September 2013 on the principles governing SOLVIT; ~~INVITES~~ **URGES** the **Commission to ensure a better coordination between SOLVIT and EU pilot activities with a view to an efficient follow up of** unresolved ~~to pay special attention to~~ SOLVIT cases, that reveal structural problems and use SOLVIT data to identify **key** Single Market areas **for improvement** which are particularly problematic. **CALLS UPON Commission and Member States to ensure that sufficient resources are dedicated to the functioning of the network**.

Services markets

14. ~~ACKNOWLEDGES~~ **WELCOMES** the results of the peer review conducted under the Services Directive, which have shown that Member States did not always carry out a thorough proportionality analysis of existing requirements ~~for professional services~~. The peer review has hence confirmed that further targeted actions for the removal of remaining unjustified ~~and~~ **or** disproportionate requirements ~~could~~ **should** be undertaken.
15. Therefore CALLS ON the Commission to focus further actions on the proportionality assessment and on the application of the freedom to provide services clause under the Services Directive, and to strive towards mutual understanding with Member States and promote their best practice in this area; CALLS ON the Member States to carry out proportionality assessment of remaining and future requirements on service providers and discuss it regularly at expert level, which would enable Council to review progress by autumn of 2014 and on annual basis onwards.
16. CALLS on Member States to swiftly **and timely** implement the ~~new~~ **revised** Directive on **Mutual Recognition of Professional Qualifications**; ~~TAKES GOOD NOTE of the Communication of 2 October 2013 on regulated professions and~~ **LOOKS FORWARD to the discussion on** the work plan of the Commission presented to Member States in **its Communication of 2 October 2013**; INVITES Member States to engage fully into the upcoming transparency and mutual evaluation exercise **and RECALLS the importance of making progress on enhancing the mutual recognition of professional qualifications, reducing the number of regulated professions and removing unjustified regulatory barriers, as stressed by the European Council.**

17. RECOGNISES that many of the Points of Single Contact (PSCs) do not fully meet the requirements of the Services Directive, and therefore do not stand up to the expectations of businesses. WELCOMES the PSC Charter setting assessment criteria and targets for the second generation PSCs. ~~CALLS~~ **INVITES** ~~on~~ Member States to improve, **by the end of 2014**, their PSCs, including their visibility, ~~with a view to become fully fledged e-government tools~~ **in order to meet cross-border business needs**, and ~~INVITES Member States to increase their efforts to make their PSC multilingual, cover most essential procedures for the whole business cycle, including allowing for their on-line completion throughout the European Union, and provide for clear information on procedures applicable to establishment and cross-border service provisions, by the end of 2014.~~
18. CALLS on the Commission, together with the Member States, to continue efforts to reduce obstacles for cross-border online and offline retail operations, including commercial establishment, inter alia through implementation of relevant actions under the European Retail Action Plan (ERAP). SUPPORTS the Commission's intention to launch a performance check in the retail sector as it is indicated in the ERAP and present its results in spring 2015; CALLS on the Commission ~~to follow up~~ **to inform Member States on** the recommendations of the Expert Group on Retail Sector Innovation ~~(including recommendations on e-commerce) in order to improve the competitiveness of the retail sector.~~
19. WELCOMES establishment of the High Level Group on Retail Competitiveness as a forum to develop retail-related policies, including in view of achieving Single Market in ~~R~~retail sector, monitoring progress achieved and provide advice on additional new actions needed for strengthening the retail sector. URGES the Commission to start the Group's work as soon as possible and report on progress to Council in spring 2015.

20. WELCOMES the launch of the voluntary Supply Chain Initiative for good trading practices and EMPHASIZES the importance of active and wide participation of stakeholders in this initiative; CALLS on the Commission together with stakeholders to assess the effects and enforcement of the Principles of Good practice established in the Initiative and report to the Council **in 2015**.
21. REITERATES the importance of e-commerce and online services, **including across borders**, to create growth and jobs in Europe; ACKNOWLEDGES the progress made in the implementation of the action plan adopted by the Commission in January 2012, as synthesized in the progress report published in April 2013; ENDORSES **LOOKS FORWARD to** the parcel **delivery** roadmap [to be adopted] as **an important** crucial step to facilitate cross-border parcel delivery for the benefit of SMEs and consumers in particular.

End-to-end e-procurement

22. **WELCOMES the general agreement on the revised public procurement directives and in particular the deadlines for the obligations on e-procurement.** RECOGNISES the potential of end-to-end electronic procurement in pursuing Europe 2020 objectives. ~~WELCOMES the general agreement on the revised public procurement directives and in particular the deadlines for the obligations on e-procurement.~~
23. WELCOMES the Commission's actions on promoting the transition to end-to-end e-procurement, and in particular its efforts to **promote the use of** make e-invoicing ~~the standard invoicing mode~~ in Europe, as a very important step towards the ~~creation~~ **completion** of the Digital Single Market and the implementation of the Digital Agenda, as well as efforts to fund and support the development of end-to-end e-procurement infrastructure across Europe.

24. ~~SUPPORTS the Commission's initiative to continue the work of the European Multi-Stakeholder Forum on e-invoicing and~~ SUPPORTS the Commission's proposal to set up a new Multi-Stakeholder Forum on end-to-end e-procurement; CALLS ON the Commission, together with Member States, to discuss in the new Forum the actions and best practices promoting transition to end-to-end e-procurement across the European Union and report to the Council by the **end of 2014 [2015]**. ~~INVITES the Commission to play a leading role and implement end-to-end e-procurement and in particular accepting e-invoicing once the European standard becomes available.~~
25. **SUPPORTS the Commission's initiative to continue the work of the European Multi-Stakeholder Forum on e-invoicing; INVITES the Commission to play a leading role and implement end-to-end e-procurement, and in particular accepting e-invoicing once the European standard becomes available.**
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- The conclusions of the European Council of 15 June 2012
- The European Parliament's resolution of 25 October 2012 on the 20 main concerns of European citizens and businesses with the functioning of the Single market
- The Commission Recommendation on the principles governing SOLVIT of 17 September 2013
- The Commission Communication "Empowering businesses and citizens in Europe's single market: An Action Plan for boosting Your Europe in cooperation with the Member States" of 17 September 2013
- The Commission Report on the state of the single market integration 2012The Commission Communication "Better governance for the single market" of 8 June 2012
- The On-line Single Market Scoreboard July 2013
- The Commission Communication on the setting up of an European Retail Action Plan of 31 January 2013¹;
- The Commission Communication on Transparency for Regulated Professions of 2 October 2013.
- The European Parliament's Report on a more efficient and fairer retail market of 1 June 2011²;
- The Commission Communication "A coherent framework to build trust in the Digital single market for e-commerce and online services" of 11 January 2012, and the Commission staff working document "Report on the implementation of the e-commerce action plan" of 23 April 2013
- The Commission Communication "A roadmap for completing the single market for parcel delivery by mid-2015 – Build trust in delivery services and encourage online sales".
- The Commission Communication "Evaluation national regulations on access to professions" of 2 October 2013
- The Commission Communication on the Digital Agenda for Europe³ and its review⁴
- The Commission Communication „End-to-end e-procurement to modernise public administration“ of 26 June 2013.

¹ COM (2013) 036

² P7_TA(2011)0307 adopted on 5 July 2011

³ COM(2010) 245/2

⁴ COM(2012) 784 final