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European Union

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**NOTE**

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From: Presidency  
To: Permanent Representatives Committee  
Subject: Presidency proposal on Urban and Spatial Planning

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Delegations will find in the Annex a Presidency proposal on Urban and Spatial Planning.

“Member States shall not be obliged to notify to the Commission:

**Article 3.1a:**

(d) draft measures that consist of territorial or quantitative restrictions within the meaning of Article 15(2)(a) of Directive 2006/123/EC that are laid down in spatial structure plans or urban land-use plans at local level when the Member State concerned has already notified to the Commission and adopted the type of requirement in the form of a legal and/or regulatory act on which those provisions are based or which it implements or that the Member State transmitted by [end of transposition period], and every two years thereafter, a summary report to the Commission setting out the type of restrictions laid down in local plans and explaining how they are justified, proportional and non-discriminatory. These summary reports shall be published by the Commission.

This derogation from the notification obligations established by the present Directive is without prejudice to the obligation for Member States to ensure that the legal framework and the related spatial structure plans and urban land-use plans comply with Directive 2006/123/EC.”

Together with **recital 7b**:

"In order to strike a balance between administrative burdens and the rights for service providers and recipients, the notification obligation should not apply to certain draft measures that are laid down in spatial structure plans or urban land-use plans at local level. However, the exemption should not constitute a means to introduce arbitrary discrimination or disguised unjustified barriers to trade in services and therefore it is conditional upon the prior notification of a legal and/or regulatory act on which those provisions are based or which it implements or that the Member State concerned has transmitted by [end of transposition period], and every two years thereafter a summary report to the Commission with an explanation how compliance of such restrictions with Directive 2006/123/EC is ensured. These summary reports should be published by the Commission, giving interested third parties the opportunity to provide observations.

Member States' obligation to ensure that the abovementioned spatial structure plans and urban land-use plans and the related legal framework comply with Directive 2006/123/EC remains untouched, including, where appropriate, through the issuing of laws, regulations and administrative guidance in particular to regional and local authorities in accordance with the applicable national rules."

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