



COUNCIL OF  
THE EUROPEAN UNION



## Council conclusions "How to make the Internal Market work better"

*2945th COMPETITIVENESS  
(Internal market, Industry and Research)  
Council meeting  
Brussels, 24 September 2009*

The Council adopted the following conclusions:

"The Council,

RECALLING its Conclusions of 9 February<sup>1</sup> and 5-6 March 2009<sup>2</sup> on the Commission's Single Market Review Progress Report and the European Council Conclusions of 19-20 March 2009<sup>3</sup>, which requested removing barriers while preventing the creation of new ones and achieving a fully operational internal market;

### **I. Introduction**

1. STRESSES that the internal market, one of the greatest achievements of the European Union, needs to function effectively in order to deliver opportunities to its citizens and businesses. In the current international economic downturn, it is even more important to fully apply the fundamental principles of the internal market, to improve its functioning, avoid protectionism and maintain open markets. The internal market should serve as an engine for economic recovery;

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<sup>1</sup> 5637/09.  
<sup>2</sup> 7383/09.  
<sup>3</sup> 7880/09.

# P R E S S

2. AGREES that the Commission and the Member States should ensure that consumers and businesses, in particular SMEs, can fully enjoy the rights conferred and opportunities offered by the internal market in practice. This is important for consumers' interests, the well-being of citizens and for sustainable growth and jobs;
3. While RECALLING the importance of a sound policy and legal framework, EMPHASISES the need to focus on concrete measures to make the internal market work better, which should be a priority also in the Lisbon strategy post-2010. Furthermore, CALLS upon the Commission and the Member States to use a wide range of measures, including, where appropriate, harmonisation as well as mutual recognition, and to ensure effective application and enforcement of internal market rules, including competition and consumer legislation; consultation of stakeholders; simplification of the legislative framework and reduction of unnecessary administrative burdens; and effective market monitoring for evidence-based and outcome-oriented policy conclusions; RECOGNISES the contribution that market monitoring in close cooperation with Member States, based on sound methodology and a practical and cost-effective approach, can make to improve the functioning of the internal market; UNDERLINES the importance of pursuing work in all relevant areas including optimising the external dimension of internal market policies;
4. WELCOMES the Commission's Recommendation of 29 June 2009 on measures to improve the functioning of the internal market<sup>4</sup>, and the ten recommendations set out therein; UNDERLINES the importance of its efficient implementation and systematic follow-up while STRESSING that it is for the Member States to decide which measures are most appropriate in their specific national context; ENCOURAGES the Member States to use the examples of the measures and practices in the Annex;

## II. Priorities

5. IDENTIFIES three priority areas for improving the functioning of the internal market: practical information, administrative cooperation and enforcement, including problem-solving;

### (a) Practical information

6. UNDERLINES that clear, comprehensive and accessible information is crucial so that citizens and businesses are fully aware of their rights and obligations and can make use of their opportunities in the internal market; CALLS on the Commission and the Member States to use the opportunity of the entry into force of the Services Directive, as well as other legislation with an impact on the internal market, in order to provide consumers and businesses with such information; RECOGNISES that properly functioning and user-friendly contact points in the framework of both the Services Directive and the Regulation on Mutual Recognition<sup>5</sup> will play an important role in this regard;

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<sup>4</sup> C(2009)4728/4

<sup>5</sup> Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC.

7. In this context, WELCOMES the work already achieved on the Single Market Assistance Services project for streamlining information, advice and problem-solving assistance services and making them more accessible; INVITES the Commission to finalise the project as a matter of priority;

**(b) Administrative cooperation**

8. STRESSES the importance of sufficient knowledge of internal market rules at all levels of Member States administrations (an “internal market reflex”), *inter alia* through the provision of information, guidance and training, also covering technical systems and networks, and, as appropriate, through providing a function that could act as an internal market reference point throughout the administration, in accordance with national administrative structures and traditions;
9. AGREES that the Member States and the Commission have a shared responsibility for making the internal market work more effectively. CALLS for the promotion of good cooperation among competent authorities both within and between Member States, between Member States and the Commission, and within the Commission, so as to ensure that internal market rules are well known and understood, and are correctly designed, applied, monitored and enforced;
10. REAFFIRMS the need to make full use of the Internal Market Information System (IMI) to ensure that administrative cooperation works in practice. IMI is a key factor for the successful implementation of the Professional Qualifications Directive and of the Services Directive, and potentially also for other internal market legislation; INVITES the Commission to ensure that the necessary technical features of this system are in place in time and INVITES Member States to participate actively in setting up the IMI; ENCOURAGES the Commission and the Member States to use existing technical systems as much as possible; STRESSES that the realisation of a properly functioning cross-border e-government infrastructure in the near future is a prerequisite for the effective use of electronic systems;
11. UNDERLINES the common commitment of the Council and the Commission to the extended information exchange provided for in the Goods Package. The Council ENCOURAGES the Commission to continue its efforts to adapt the existing Community harmonisation legislation to this new legislative framework and to prevent the creation of unjustified barriers to free movement of goods in the non-harmonised area;

**(c) Enforcement, including problem solving**

12. UNDERLINES the importance of effective enforcement and INVITES the Commission and Member States to step up efforts to ensure the respect of internal market rights and obligations, including facilitating a quick and efficient resolution of problems that citizens and businesses may encounter in exercising their internal market rights. UNDERTAKES to promote the use of SOLVIT, in particular to businesses, and other existing problem-solving mechanisms and to ensure their capacity;

### **III. Transposition**

13. REITERATES the need for timely, correct and coherent transposition, application and enforcement of EU internal market legislation and STRESSES in this context the importance of full and timely implementation of the Services Directive. Member States should ensure that appropriate arrangements, including resources, are in place for this purpose, and also cover the setting up of fully functioning and accessible Points of Single Contact and interoperable electronic procedures; INVITES the Commission to undertake, together with the Member States, the necessary preparations for the important process of "mutual evaluation" foreseen in the Services Directive, for 2010, as a means to assess the functioning of the internal market in services and to allow for evidence-based policy conclusions.
14. CONSIDERS that the Internal Market Scoreboard is an important monitoring tool, WELCOMES the Commission initiative to extend the range of information and indicators, including qualitative elements, and INVITES the Commission to continue to highlight progress in specific sectors;

### **IV. Other aspects**

15. STRESSES the importance, in the framework of the internal market, of increased regional cooperation and integration for cross-border trade in Europe, which could benefit the Union as a whole;

### **V. Follow-up**

16. INVITES the Commission to monitor and to report on progress in improving the practical functioning of the internal market, including the implementation of its Recommendation, in the context of the follow-up to the Single Market Review. ENCOURAGES the Commission and the Member States to work in partnership to this end. The Competitiveness Council, in its horizontal coordinating role on internal market policies, will review progress on a yearly basis based on input from the Commission, having in mind the objective to make the internal market fully operational."