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Council Resolution of 16 June 1994 on the development of administrative cooperation in the implementation and enforcement of Community legislation in the internal market

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COUNCIL RESOLUTION of 16 June 1994 on the development of administrative cooperation in the implementation and enforcement of Community legislation in the internal market (94/C 179/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Declaration on the implementation of Community law adopted by the Intergovernmental Conference on 7 February 1992 and attached to the Treaty on European Union,

Having regard to the Commission communication to the Council and to the European Parliament of 2 December 1992 on the operation of the Community's internal market after 1992 - follow-up to the Sutherland Report,

Having regard to the Council resolution of 7 December 1992 on making the Single Market work (1),

Having regard to the Commission communication to the Council of 22 December 1993 on the strategic programme 'Making the most of the internal market',

Having regard to the Commission communication to the Council and the European Parliament of 16 February 1994 on the development of administrative cooperation in the implementation and enforcement of Community legislation in the internal market,

Having regard to the Commission communication to the Council, the European Parliament and the Economic and Social Committee of 16 December 1993 on the handling of urgent situations in the context of implementation of Community rules,

Having regard to the resolution of the European Parliament of 20 April 1994 on the Commission communication to the Council on 'Making the most of the internal market': strategic programme,

Having regard to the resolution approved by the Council on 30 May 1994 on coordination with regard to the exchange of information between administrations,

Whereas the Member States are obliged, pursuant to Article 5 of the Treaty, to facilitate the achievement of the Community's tasks and whereas to this end cooperation between the Member States and between them and the Community institutions is necessary;

Whereas it is essential for the proper functioning of the Community to increase mutual confidence and transparency between administrations and thereby ensure that Community legislation is enforced effectively, efficiently and uniformly in all Member States;

Whereas administrative cooperation should lead to benefits to businesses and consumers by making it easier for them to take advantage of their rights under the internal market;

Whereas the establishment of the internal market requires greater cooperation between administrations in order to ensure that Community rules are complied with;

Whereas administrative cooperation should respect the principles of proportionality between the demands made on administrations and the benefits to be gained from such cooperation, and of necessary confidentiality and trade and professional secrecy, and should avoid any unnecessary bureaucratic complication and duplication of existing systems and respect the administrative structures of the Member States;

Whereas administrative cooperation should be carried out in compliance with existing Community and national provisions on the protection of personal data,

WELCOMES the Commission's communication to the Council and the European Parliament on the development of administrative cooperation in the implementation and enforcement of Community legislation in the internal market;

WELCOMES the Commission's communication to the Council, the European Parliament and the Economic and Social Committee on the handling of urgent situations in the context of implementation of Community rules and the suggestions made by the Commission for improving existing mechanisms;

WELCOMES the Commission's initiative in undertaking a programme of discussions with enforcement officials in the Member States in order to determine the needs for administrative cooperation in the various areas;

AGREES that a continuing effort is required to improve communication between administrations in the interests of the effective, efficient and uniform enforcement of Community provisions on the internal market, and that the needs of each area must be considered individually;

CALLS UPON the Member States to facilitate such cooperation between their administrations, and between them and the Commission, in particular by notifying to the Commission by the end of 1994 contact points and essential information on their administrative structures in order to reach a better understanding of the administrative structures of each Member State for the areas indicated in the Annex, save where the Commission indicates that such notification has already been made;

CONFIRMS that the contact point should be persons or services that the Member States expressly place in charge of internal coordination for the areas listed in the Annex, with the aim of ensuring a liaison between national administrative authorities responsible for the enforcement of rules affecting the internal market, and between them and the Commission;

RECOGNIZES that the main function of the contact points is to cooperate by means of a flexible, pragmatic and cost-effective exchange of information, and to promote mutual confidence with regard to enforcement of Community rules, while avoiding any unnecessary bureaucratic complication and duplication of existing systems and respecting the administrative structures of the Member States and the requirements of proportionality, confidentiality, trade and professional secrecy, and personal data protection;

INVITES the Commission and the Member States:

(a) to pursue actively their programme of discussions in the relevant committees where they exist, aimed at determining needs and agreeing upon appropriate practices or procedures in each sector;

(b) to continue with work in the appropriate bodies in order to identify priorities for the setting up of telematic networks between administrations and with work of installing networks the necessity and viability of which have been defined;

INVITES the Commission:

(a) to play a leading role in the practical organization of cooperation between the competent administrations of the Member States and the Commission departments, primarily in the framework of existing bodies and committees;

(b) to propose adjustments to Community legislation in which shortcomings have come to light as a result of experience gleaned from administrative cooperation;

(c) to take, where appropriate, additional measures in support of administrative cooperation such as the organization of seminars and publication of interpretative guides;

(d) to report on developments in administrative cooperation in the Commission's annual report on the internal market;

NOTES that the Commission will, where necessary, submit appropriate proposals relating to additional resources which may be required for supportive measures;

UNDERTAKES to give consideration to proposals from the Commission for improving administrative contacts between Member States and between them and the Commission with a view to enhancing the free movement of goods, persons, services and capital.

(1) OJ No C 334, 18. 12. 1992, p. 1.

ANNEX

PROGRAMME OF DISCUSSIONS CONCERNING ADMINISTRATIVE COOPERATION FOR THE IMPLEMENTATION AND ENFORCEMENT OF COMMUNITY LAW IN THE CONTEXT OF THE INTERNAL MARKET Areas - technical harmonization: Directives on the elimination of barriers to

trade

- public procurement
- firearms
- dual-use goods
- general product safety Directive
- telecommunications
- foodstuffs, animal and plant health, veterinary medicine
- notification of technical regulations
- customs
- taxation
- drug precursors
- cultural goods
- right of establishment
- company law
- insurance, banking, securities
- intellectual property
- broadcasting
- transport