

31996Y0801(02)

Council Resolution of 8 July 1996 on cooperation between administrations for the enforcement of legislation on the internal market

Official Journal C 224 , 01/08/1996 P. 0003 - 0004

COUNCIL RESOLUTION

of 8 July 1996

on cooperation between administrations for the enforcement of legislation on the internal market
(96/C 224/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the communication from the Commission to the Council of 22 December 1993 on the Strategic Programme 'Making the most of the internal market',

Having regard to the Council resolution of 16 June 1994 on the development of administrative cooperation in the implementation and enforcement of Community legislation in the internal market (1),

Having regard to the Council resolution of 10 October 1994 on giving full scope to the dynamism and innovatory potential of small and medium-sized enterprises, including the craft sector and micro-enterprises, in a competitive economy (2),

Having regard to the report from the Commission to the Council and the European Parliament of 29 January 1996 on 'Cooperation between administrations for enforcement of internal market law - a progress report',

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 the proper functioning of the internal market requires greater cooperation between administrations, particularly in the field of industrial products where such cooperation has not been developed very far, in order to ensure compliance with Community rules;

Whereas, as they were called upon to do in the Council resolution of 16 June 1994, Member States have notified to the Commission contact points for enforcement questions in nearly all the areas listed in the Annex to that resolution, with the aim of ensuring a link between national administrative authorities responsible for the enforcement of legislation on the internal market, and between them and the Commission; whereas that resolution also called upon Member States to notify to the Commission essential information on their administrative structures to enable all concerned to obtain a better understanding of how each Member State enforces internal market legislation;

Whereas the Council resolution of 10 October 1994 called upon Member States and the Commission to examine the possibility of establishing national contact points to help enterprises, in particular small and medium-sized enterprises, to deal with any intra-Community trade barriers; whereas individuals also need to know where they can address questions regarding the exercise of their rights in the internal market;

Whereas administrative cooperation and the establishment of contact points for enterprises and individuals should be consistent with the principles of proportionality between the applications made to administrations and the corresponding benefits, and of the necessary confidentiality and commercial and professional secrecy; whereas they should avoid any unnecessary bureaucratic complication and any duplication of existing systems and be consistent with 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;

Whereas close cooperation between such contact points and the competent bodies appointed by the Member States will enable each to accomplish their tasks more effectively and, in particular, will contribute to a swifter resolution of problems faced by enterprises and individuals;

Whereas clear ground rules for the exchange of enforcement information are a precondition for cooperation to be effective, establishing, in each sector concerned, the type of information to be exchanged, the stage of the enforcement process at which it is to be exchanged, and criteria regarding confidentiality, proportionality, maximum response times and other technical aspects of information exchange;

Whereas the legislation whose enforcement is important for the operation of the internal market includes those areas listed in the Annex to the Council resolution of 16 June 1994; whereas cooperation in other areas should also be reviewed;

Whereas, in the area of technical harmonization, special attention needs to be paid to enforcement of the New Approach Directives, particularly for the effective implementation of market surveillance, which is a prime instrument for ensuring that products placed on the market conform to basic requirements;

Whereas Community support should be provided for cooperation in all areas through telematics, training and exchange programmes,

WELCOMES the report from the Commission to the Council and the European Parliament on cooperation between administrations for enforcement of internal market law;

ACKNOWLEDGES that a continuing effort is required to improve such cooperation, as a means of reinforcing the effectiveness of that legislation, resolving problems that might arise for enterprises and individuals and preventing the re-emergence of barriers to free movement between Member States;

WILL EXAMINE, with the Commission, the extent to which administrative cooperation must be developed in the areas where it is as yet undeveloped and particularly in the area of industrial products;

EMPHASIZES the need to create within this area the means necessary for consistent, uniform and prompt enforcement of Community rules;

CALLS UPON THE MEMBER STATES:

(a) to complete, if they have not already done so, the notification of their national contact points for the enforcement of Community legislation in the areas listed in the Annex to the Council resolution of 16 June 1994 and to notify essential information on their enforcement structures as specified in that resolution,

(b) to keep the lists of contact points notified up to date and to transform them into an effective working tool for the authorities which are responsible on a day-to-day basis for the enforcement of internal market law,

(c) to establish as soon as possible, if they have not already done so, in an appropriate manner and taking into account the needs of enterprises and individuals, one or more contact points for enterprises, as called for in the Council resolution of 10 October 1994, and to provide, if necessary, one or more contact points to facilitate the exercise of the rights conferred on individuals by internal market rules,

(d) to establish links between this contact point or points and the competent bodies appointed by the Member States;

INVITES THE MEMBER STATES AND THE COMMISSION:

(a) to continue their efforts to establish, where appropriate, ground rules, in the areas where such rules have not yet been laid down, for cooperation between administrations for the purpose of enforcing internal market law and to apply these rules by whatever means are sufficient to make such cooperation effective,

(b) to examine, as regards industrial products, the following possibilities:

- general principles for carrying out checks;
- administrative-cooperation mechanisms in New Approach Directives;
- quality standards for official-control laboratories;
- where necessary, coordinated control programmes;

(c) to continue with their programme of reviewing cooperation between administrations in areas

of legislation important for the operation of the internal market listed in the Annex to the Council resolution of 16 June 1994, in particular by:

- developing Community actions which provide cross-sector support for cooperation such as the telematic interchange of data between administrations in the Community (IDA) programme, set up by Decision 95/468/EC (1), and the programme for the exchange between Member State administrations of national officials (Karolus programme), set up by Decision 92/481/EEC (2);

- including within this framework other areas of internal market legislation where a need for greater cooperation on enforcement of the rules is identified, particularly as regards industrial products,

(d) to examine as a matter of priority the possibility of reinforcing administrative cooperation in the enforcement of legislation in other areas.

(1) OJ No C 179, 1. 7. 1994, p. 1.

(2) OJ No C 294, 22. 10. 1994, p. 6.

(1) OJ No L 269, 11. 11. 1995, p. 23.

(2) OJ No L 286, 1. 10. 1992, p. 65.