



COMMISSION OF THE EUROPEAN COMMUNITIES

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**Communication from the Commission
to the European Parliament and the Council
Making Single Market rules more effective**

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- (1) The Single Market Action Plan¹ calls upon the Member States and the Commission to work together to make existing Single Market rules more effective. Since the adoption of the Action Plan in June 1997, a great deal of attention has focussed on the so-called "transposition deficit", the failure by Member States to implement on time directives agreed by the Council and the Parliament. Over the last year, the percentage of directives not yet implemented in all Member States has fallen by almost half, from 35% in June 1997 to 18% on 1 May 1998. This pattern must be maintained, and the Commission will closely monitor Member States' performances in this field and foster further improvements. The Commission therefore considers that the timetables developed under the Action plan as a tool to assist Member States in their efforts to eliminate the delays in transposition, should be used systematically to avoid further delays in future.² Besides this, the Community must now increasingly pay attention to the quality of national implementing measures and enforcement of Single Market rules by national authorities. This also includes a further reflection on the role of the Commission and the means open to it to ensure proper enforcement of Single Market rules.
- (2) Clear and understandable rules are a central component of the Commission's regulatory policy, one of the aims of which is to create a legislative framework which encourages citizens and business to take advantage of their Single Market rights without imposing undue legislative burdens upon them. The Commission will continue to play an active role in the preparation of guidelines on the drafting of Community legislation, taking into account also the Declaration 39 of the Treaty of Amsterdam. But the rules with which citizens and businesses must comply are those adopted by the Member States and here, too, the quality of the legislation is a factor in securing its effective application. For this reason, it would be advisable to establish an informal mechanism of reciprocal information and dialogue among Member States and the Commission during the implementation period, in order to produce a common approach to transposition.
- (3) Uniform enforcement of Single Market rules, is crucial to generating business confidence. Administrative cooperation is the key to effective and consistent application of agreed rules throughout the territory of the Union. National officials should be encouraged to share their know-how and experience of applying Single Market rules, not only on a ad hoc basis, but also in a more structured

¹ CSE (97) 1 final, 4 June 1997

² This and other suggestions made in this Communication are discussed in greater detail in the attached staff working paper (SEC (1998) 903).

fashion: for example by using seminars supported by funding from the Karolus programme or techniques such as mutual audit and peer review; and by using the coordination centres created as a result of the Action Plan.

- (4) Where Member States fail to comply with their obligations, the Commission will not hesitate to have recourse to infringement proceedings. The Commission will continue to streamline its management of infringement cases and will insist on the strictest compliance by Member States. In addition, national courts also have an essential part to play.
- (5) The Commission therefore calls on the Council:
- to emphasise that Member States should give the highest priority to complying with their obligation to implement Single Market legislation fully, on time and with a satisfactory quality level.
 - to agree that Member States should implement the timetables they have submitted under the Action plan, as well as continue to submit timetables in relation to all new Single Market measures after the expiry of the Action Plan;
 - to examine the suggestions contained in the attached staff working paper on ensuring the quality of implementing legislation;
 - to affirm the intention of Member States to take all steps necessary to ensure the effective operation of the arrangements for enforcement and problem-solving established under the Action Plan and earlier resolutions of the Council;
 - to emphasise that Member States should comply with Community law and in particular respect the deadlines in letters of formal notice and reasoned opinions from the Commission in accordance with their commitment under the Action Plan.

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