



EUROCHAMBRES POLICY SURVEY

January 2008

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Foreword

If the much heralded Services Directive is really to meet its objectives and allow businesses to provide services across the EU unimpaired by obstacles, it must of course be implemented correctly. EUROCHAMBRES is running a six-monthly survey throughout the 3-year implementation phase to monitor Member States' progress from the crucial business perspective.

It is clear from the findings that there is a great disparity between national authorities in implementing the directive, not to mention the variety of actions taken in different EU

Member States to reach the same policy objectives. In some countries, the business community seems to be involved deeply, in others not at all. There is confusion and uncertainty over the Point of Single Contact (PSC) and more specifically on its precise tasks and nature.

The survey is based on a list of questions which tries to draw a comprehensive picture of the implementation's key aspects as well as of the Chambers' involvement in the process (see full list in annex).

EUROCHAMBRES' Policy proposals

1. **Chambers' involvement** - A third of EU Chambers of Commerce and Industry have not been involved in a dialogue with their national authorities on the implementation of the Services Directive. Given their role and the impact of the directive on the businesses they represent, Chambers should be involved in a full and comprehensive dialogue with national authorities in all Member States.
2. **Performance tables** - In the framework of its efforts to monitor and review the process, the Commission should issue yearly performance tables specifically on the transposition and implementation of the Services Directive to be presented at each Spring Summit each year, showing where single Member States stand with regard to the different aspects of the directive's implementation¹.
3. **Screening** - There are extremely important differences with regards to the legislative screening. While some countries have just started, others have already finished. We invite the Commission to exert pressure on the countries lagging behind to finish their screening processes by mid-2008 at the latest.
4. **Administrative burdens** - A number of Member States should speed up their implementation plans in order to recover the time lost since the adoption of the directive in late December 2006. In this light, the creation of special mechanisms and bodies to project manage implementation should not result in more administrative burdens. The implementation of the directive should in fact be integrated in the broader objective of reducing burdens on businesses in Europe, also taking into account the centrality of this concept for the Lisbon Strategy and the key role it should play in the forthcoming Small Business Act.
5. **Point of single contact** - There is still a lack of clarity with respect to the PSC model. While the nature, role and tasks of the PSC could be further streamlined in coming months, Member States should as much as possible choose models which really benefit businesses, opting for online solutions that allow entrepreneurs to gather information as well as get rid of administrative formalities online, in a quick and simple manner.

¹ In line with this, we support the regular publication of correlation tables by Member States in relation to all EU legislation.



- 6. Interoperability** - Member States seem to be adopting several different models and structures when it comes to the PSC. There is a need to maintain a degree of harmonisation and homogeneity among EU Member States with regards to the PSC, in order to ensure the full interoperability and smooth functioning of the new system. The system's set up would otherwise prove useless to businesses. In this respect, we invite Chambers to carefully evaluate pros and cons of taking up the role of PSC.
- 7. Consultation with stakeholders** - Thorough consultation with stakeholders should be ensured throughout the implementation process. Bi-yearly meetings gathering Commission and Member State officials and business representatives should be organised at European level. Discussions could take place on the basis of Commission and Member States' data and reports, as well as business organisations policy surveys and studies.
- 8. Electronic systems** - The Commission should ensure that the e-structure of the directive is duly in place by the set deadline. In light of previous examples, such as the non-interoperable implementation of the e-signatures directive, we stress the need to set up electronic systems which could ensure the full electronic interoperability of the national systems. Moreover, the delays currently registered in many Member States in setting up these electronic systems should not become an excuse for justifying more structural delays in the overall implementation processes.

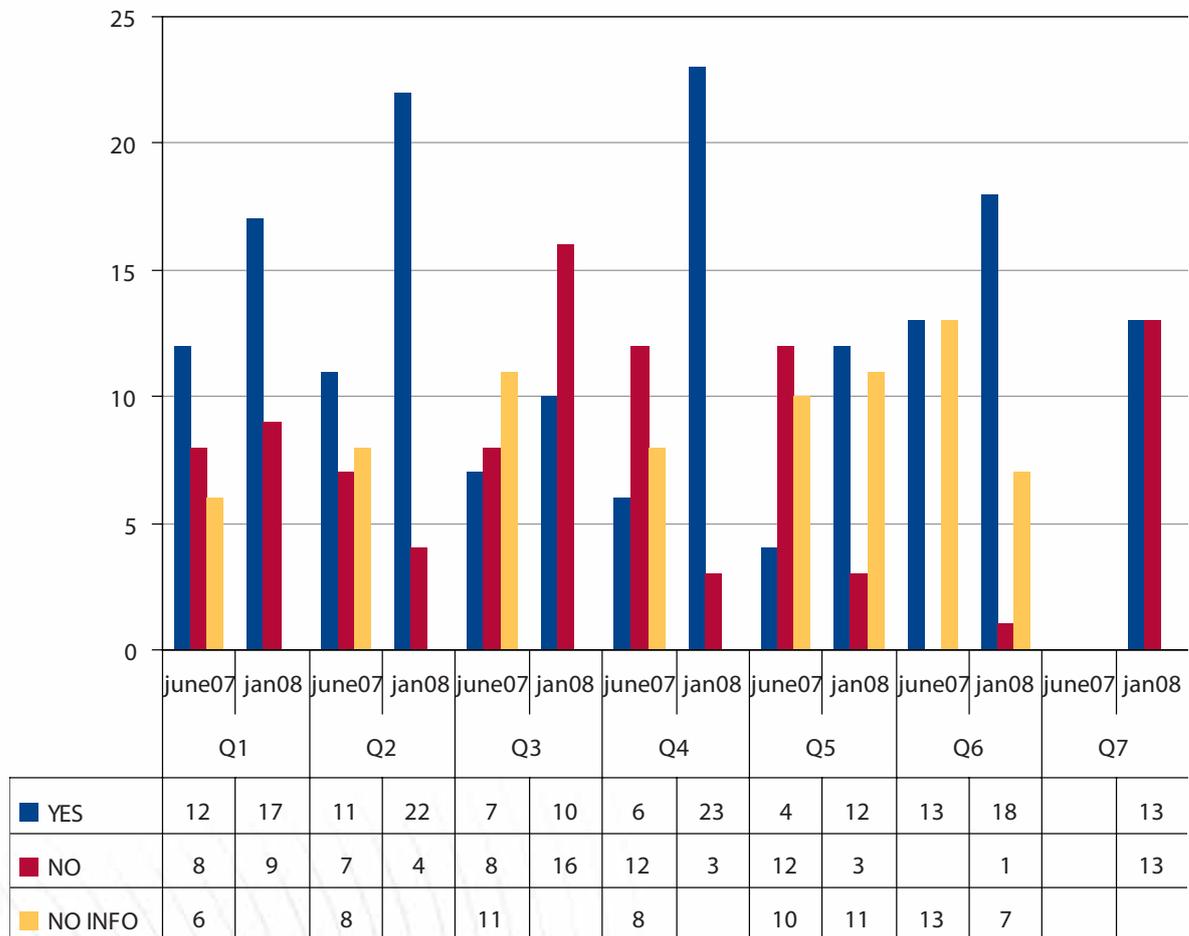
Global outlook one year since adoption | 3

The results of the first survey, issued in June 2007, were mixed in terms of Member States' actions, especially on the set up of implementation mechanisms, on the understanding of the PSC concept and on policy cooperation. Overall, the results of this second survey show that the implementation process seems to have progressed or at least started in the vast majority of EU Member States during the course of 2007, when detailed project management mechanisms were set up. **The Member States' performance has generally improved** for all aspect considered in the questionnaire. Chambers also said to be more involved in the process than six months ago.

Despite this overall improved picture, a number of fundamental problems remain and some Member States' performance must be greatly improved in a number of key areas if the implementation is to be positively concluded by the end of 2009. **The process of implementation has only just started in a number of Member States**, which are thus well behind on the 3-year schedule. On specific elements, **the establishment of the PSCs** is set to pose a number of problems both for the fact that it is not being implemented in a homogeneous way and because there is the risk that PSCs will not become a genuine point of compliance for businesses, thus resulting in

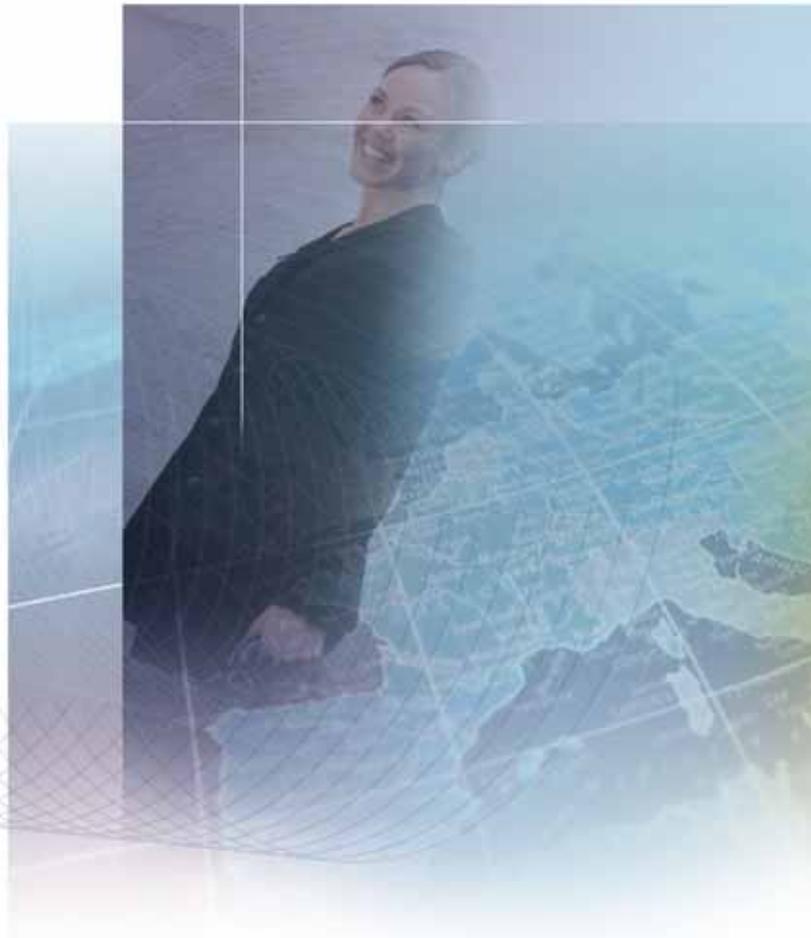
being less beneficial for European businesses. Chambers also registered a number of problems in a majority of countries in setting up **electronic systems** which could then result in being fully interoperable and integrated at the end of 2009. Moreover, Member States performances in **screening** existing legislation

differ enormously, with some having ended the process, whereas others have just started. Stakeholders should continue to monitor the process closely and to push the Member States and the Commission to implement this directive in a full, homogeneous and efficient way.



- Q1 = dialogue between governments and chambers
- Q2 = mechanisms to project manage implementation arrangements
- Q3 = Point of Single contact
- Q4 = screening
- Q5 = mutual assistance provisions
- Q6 = collaboration between Member States
- Q7 = specific obstacles

SPECIFIC RESULTS

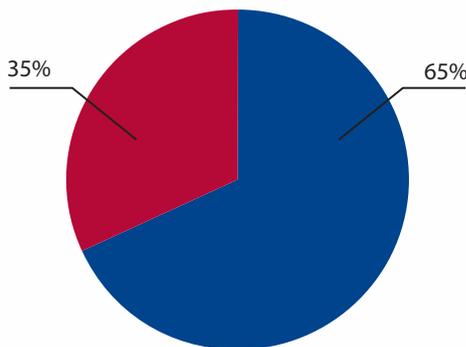


Question 1:

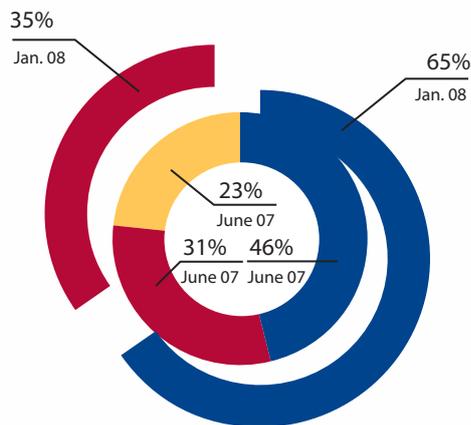
Has your national government been in dialogue with your Chamber association as the Services Directive neared the end of the legislative process in Brussels? If so, what form has the communication typically taken?

- A majority of EU Chambers (65%) have been engaged in a dialogue with national authorities since the last phase of the legislative process at EU level started.
- The dialogue took different forms:
 - consultations
 - working groups
 - workshops
 - advisory committees/bodies
 - stakeholder groups
 - informal channels
 - state councils
 - ad hoc bilateral meetings

- Compared to June 07, more Chambers have been engaged in a dialogue with their national authorities, with an improvement of about 20%.
- No Chambers declared not to have any kind of information in January 08 while about a fourth of them did so six months ago. This shows enhanced awareness of Chambers with regard to the Services Directive issue.
- In some countries, formal consultations with social partners and business organisations had been organised and then repeatedly postponed. It is the case in Poland, where a consultation scheduled for March 2008 has now been postponed to summer 2008. This shows the impact of the political framework on the implementation process.



Question 1 : dialogue between governments and Chambers - January 2008



Comparison : June 07 - January 08

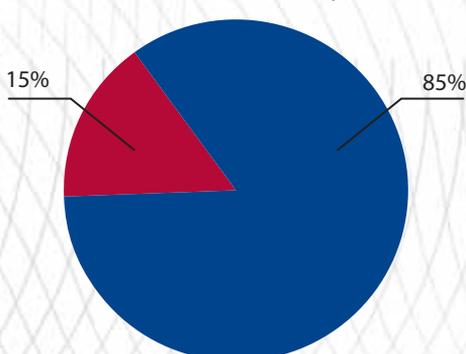
■ Yes ■ No ■ No Info

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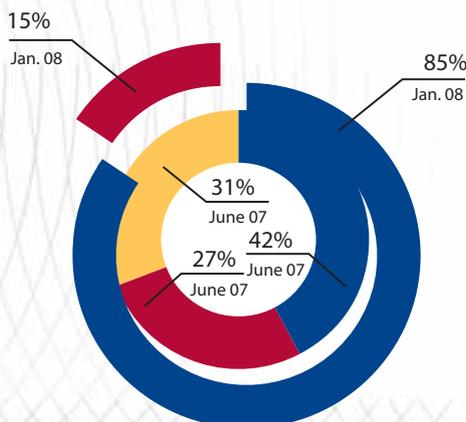
Question 2:

The directive was published in the Official Journal on 27 December 2006, and the three year implementation phase started counting then (one year has now elapsed). What mechanisms has your government put in place to project manage the implementation arrangements? Has the government involved the Chamber network in this mechanism? If so, in what way?

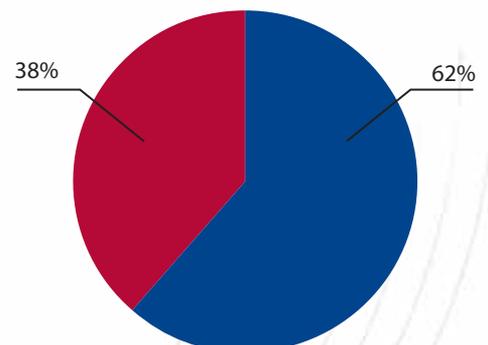
- A great majority of Member States (85%) have put in place mechanisms to project manage implementation
- Implementation plans were adopted in some Member States as late as in November 2007, nearly 1 year into the implementation period.



Question 2 : mechanisms to project manage implementation - January 08



Comparison : June 07 - January 08



Question 2 : - chambers' involvement in the mechanism - January 08

■ Yes ■ No ■ No Info



- *These mechanisms took the form of:*
 - *special ministerial units and inter-ministerial groups*
 - *steering groups and project boards*
 - *administrative taskforces at different levels*
 - *written vademecum (often on the Commission's model)*
 - *special secretariats*
 - *seminars and training*
- *A number of Member States (NL, UK, SP, FR, DE and others) have adopted detailed strategies comprising of cross-sectoral, as well as*

horizontal analysis. A number of the larger Member States are improving their performance, where they were lacking any detailed implementation plans back in June 07. Overall, the number of Member States which put in place mechanisms to project manage implementation doubled (from 42% to 85%).

- *More than 60% of Chambers declare to be involved in the implementation process. This shows a 20% increase compared to June 07.*

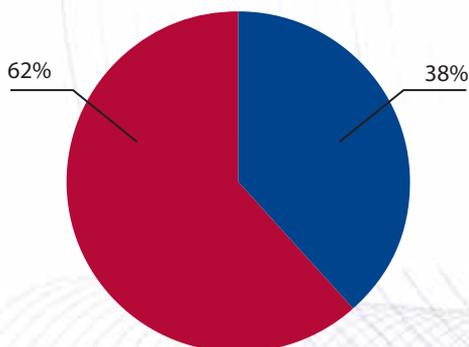
Question 3:

Points of single contact (or single points of contact): Has your government indicated a preferred approach to establishing a PSC? If so, what is the essence of that approach - in particular as regards the possibility to effectively complete procedures through the points of single contact? Is the Chamber network involved? If so, how?

- *A majority of Chambers (58%) have been involved in discussions on the set up of the PSC. Some Chambers are exploring with national authorities the possibility to act fully or partially as PSC (i.e. Ventanillas Unicas - one-stop-shops for companies in Spain, Hungarian Chambers of Commerce...).*
- *Overall, existing arrangements such as business gateways and one-stop-shops (i.e. BusinessLink in the UK, Enterprise Ireland, 'antwoord voor bedrijven' in the Netherlands...) will probably take up the role of PSC, or will be integrated in its structure, reflecting a preference to use existing tools.*
- *National authorities are creating integrated web-based, electronic systems (i.e. 'Deutschland Online' in Germany, 'antwoord voor bedrijven' in the Netherlands...) in the vast majority of countries. There are problems with regards to electronic administration, often due to the public administrations' lack of preparation and expertise, but also to delays and technical problems. Specific*

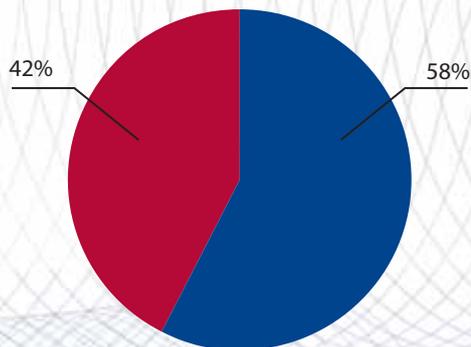
problems related to electronic signatures and interoperability have been mentioned by many Chambers.

- *A majority of Member States (62%) did not yet indicate a preferred approach for the PSC. Member States seem to be adopting different and sometimes diverging paths with respect to the establishment (nature and assigned tasks) of the PSC. While a comprehensive model remains the target in a number of countries (i.e. Luxembourg, Finland, France...), smaller and more limited solutions are still an option. In a number of countries, amongst others Germany, no final decision seems to have been taken so far on which model to adopt. Some countries such as the Netherlands have clearly opted for a limited (so-called 'facilitator' model) as opposed to a 'case-handler' model. Finally, some countries opt for a mid-point approach between information and provision of services (i.e. the UK). In many countries, a final decision still has to be taken (i.e. Latvia, Germany, Malta...).*
- *In some countries, the establishment of the PSC is the main problem for the implementation of the directive. This is due to the fact that, legally, the implementation has to be made at different levels of governance, including the regional and local authorities, since they are responsible for issues regulated by the directive (i.e. Austria, Spain).*



Question 3 : Indication of a preferred approach for the PSC- January08

■ Yes ■ No ■ No Info



Question 3 : Chambers' involvement in arrangements on the PSC - January08

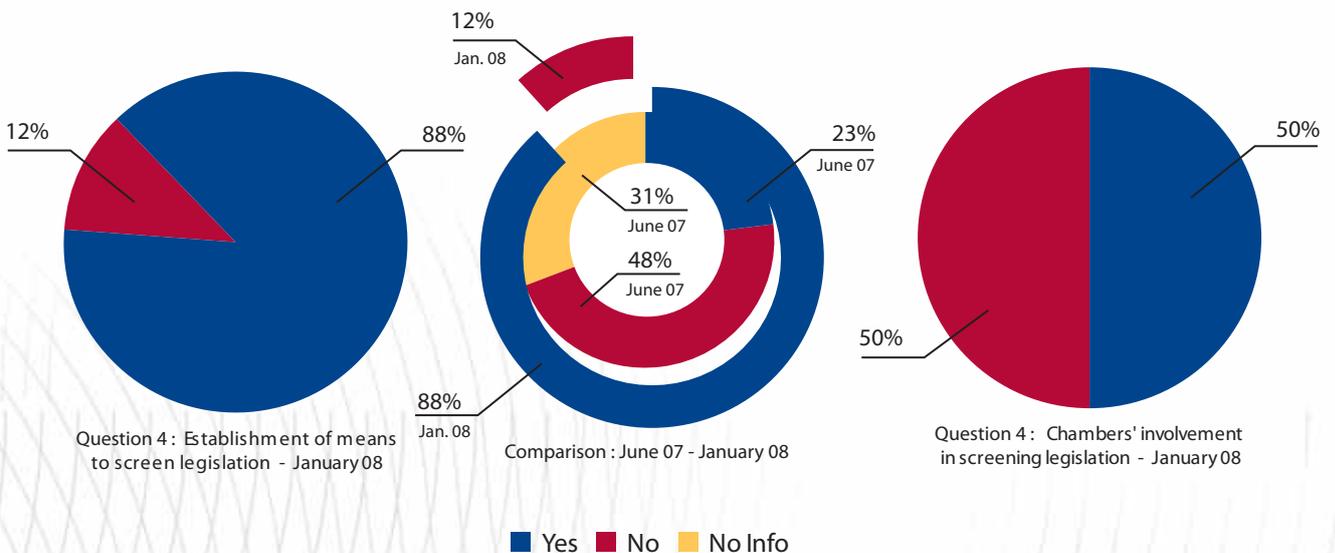
Question 4:

Screening: Is your government establishing a means to screen existing national legislation to ensure that it does not enter into conflict with the Services Directive's purpose and practice? If so, what work is under way? Is the Chamber network involved? How?

- A great majority (88%) of authorities in EU Member States have started to implement screening activities. This is a big improvement compared to June 2007, when Chambers registered that plans for the legislative screening had been tabled in only 6 countries.
- While the screening process is currently under way in nearly all countries, its development greatly differs between countries. The basic legislative screening has been completed in Finland and in Denmark, where the Danish Enterprise and Construction Authority expects to be able to put forward proposals for the necessary legislative changes in early spring 2008 and the process in Italy only started in November 2007. Moreover, some countries finalised one level of screening (national), but are now in the process of embarking on the screening at regional level (i.e. Latvia).
- The screening is organised in different ways. It seems, however, to be decentralised in a majority of countries, with each ministry responsible for screening its area of competence and reporting back to the competent ministry leading the process.

- Chambers are involved in the screening process in half of EU countries. They have sometimes been asked to contribute by identifying conflicting legal requirements in their sphere of activity. In general, the relevant national ministries take charge of the overall screening and no major role is envisaged for Chambers in this purely legal process. In some countries, Chambers are ready to play their role, as it is the case in the Netherlands if 'policy regulations' will have to be screened.
- Many governments (i.e. Germany, Italy...) are sending questionnaires to regions and local authorities to collect information on procedures and authorisations required for the development of services activities. In Germany, a 30-page questionnaire for the legislative screening was sent to authorities and stakeholders alike. Chambers and other stakeholders were asked to take part in the development of this questionnaire in 2008, screening statutes and regulations.

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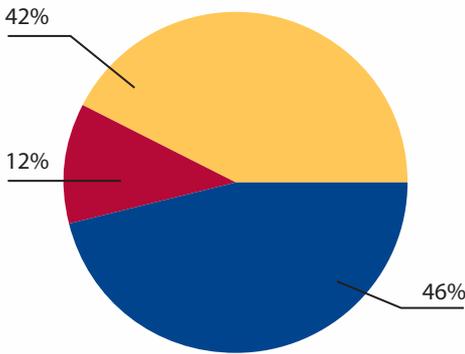




Question 5:

Provisions of Mutual Assistance: what is your national approach to establishing 'mutual assistance provisions' across the EU? Is the Chamber network involved? How?

- While recognising the importance of this provision for a successful enforcement of the directive, the great majority of Chambers are



Question 5 : Mutual assistance provisions in place - January 2008

not involved in the process relating to mutual assistance provisions, which is conducted at governmental level.

- A significant proportion (46%) of Chambers is not well informed about mutual assistance provisions, indicating a lack of awareness. Only 42% of Chambers are informed about government actions to put in place mutual assistance provisions.
- Many Chambers referred to the Internal Market Information system (IMI), an electronic network for the communication between competent authorities in different EU Member States, which is currently being set up by the Commission and Member States in the framework of different pilot projects
- Some chambers reported the desire of their governments to talk to other member states on this specific issue. This is the case of the UK, where much has been done so far, but essentially relating to the establishment of the PSC and the legislative screening.

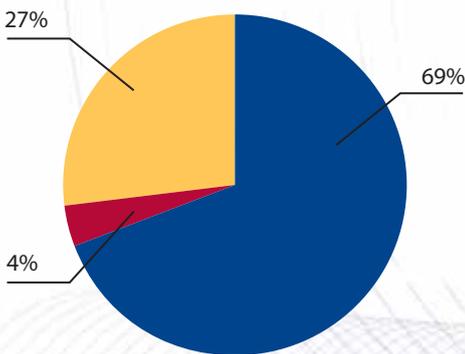
Question 6:

Are you aware of your national government's representatives talking to other EU Member States about collaboration during the implementation?

- A majority (69%) of Chambers are informed about some forms of collaboration between their national authorities and those of other EU Member States. This represents an increase of nearly 20% compared to six months ago.
- Member States' representatives participate in working group meetings at EU level, normally organised by the European Commission (DG Markt) on a number of specific issues related to the implementation of the Directive.
- Exchanges of view on the directive also take place in the framework of specific

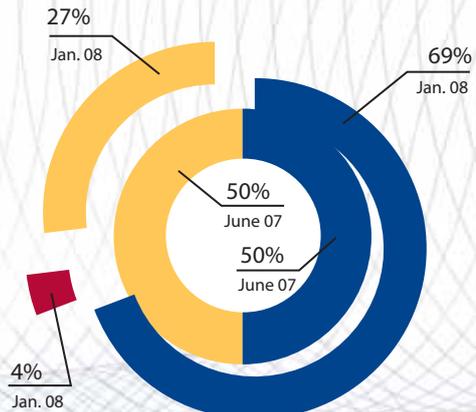
cooperative frameworks, such as the Nordic-Baltic regional cooperation group for the Services Directive, in which a number of countries participate (Sweden, Denmark, Latvia...).

- There is also bilateral dialogue between Member States. The Greek government for example has collaborated with the UK and the Netherlands on the legislative screening. Some countries shared views and experiences with a large number of EU partners. This is the case of the Netherlands, which held bilateral meetings with officials from Denmark, Finland, Germany, Ireland, Poland, Sweden, and the United Kingdom. The UK has also talked to many other EU Member States - most recently Poland and Italy.



Question 6 : dialogue between governments and other EU Member States - January 2008

■ Yes ■ No ■ No Info

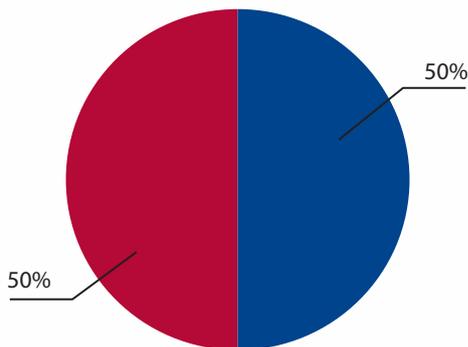


Comparison : June 07 - January 08

Question 7:

With regard to requirements applied in your country to the establishment of service providers (for instance authorisation procedures or other conditions you need to comply with to be able to engage into a service activity) or to the cross-border provision of services (for instance specific conditions imposed on service providers from other Member States before they are allowed to provide a service on a temporary basis - for instance the obligation to make a declaration), are you aware of specific areas that present obstacles and in which governments and institutions alike should particularly focus their efforts?

- *About half of chambers could identify areas that present obstacles for the establishment of services providers or for the cross-border provision of services. Some chambers indicated that obstacles are present, but did not specify them.*



Question 7 : Awareness of specific obstacles related to services provision and establishment - January 08

- *Only in a few countries, such as Denmark, the authorities seem not to foresee many specific problems.*
- *National chambers registered a variety of obstacles of different kinds and nature:*
 - *legal definition, for example with regard to the concepts of 'temporary basis' and 'the establishment of services providers' (Finland);*
 - *electronic systems and procedures and their revision in order to complete all procedures electronically by the end of 2009 (Greece);*
 - *operating licences which can prevent or deter establishment or the provision of services (Spain)*
 - *required legal forms, temporary validity of permits, separate permits for branches, temporary activities and obligations to have a permit or register in a professional association (Poland)*
 - *taxation and labour legislation (Slovenia)*
 - *labour rights and social protection of workers (Sweden)*
- *Some Member States developed very comprehensive approaches to identify obstacles. The UK government (BERR) has drawn up a list of 100 separate requirements for service provision in the UK and is currently screening them according to the directive's principles.*

COUNTRY-SPECIFIC RESPONSES



Austria

1. The Austrian Federal Economic Chamber (WKÖ) has been in dialogue with the Austrian ministry in charge of the Services Directive (Federal Ministry of Economics and Labour) during all stages of the legislative process. We were regularly informed, consulted and invited to working group meetings.
2. In the first place, the Federal Ministry of Economics and Labour consulted the other Ministries as well as the social partners (WKÖ included) on the legislative means to best implement the directive, the point(s) of single contact (PSC) and existing authorisation schemes. Working groups have been set up to organise the implementation process. WKÖ will take part in the relevant groups.
3. For the time being, the government has not taken a formal decision. The Federal Ministry of Economics and Labour prefers a comprehensive approach. Most likely, one PSC will be established within each of the 9 Austrian regions (Länder). WKÖ is consulted on the implementation and will probably cooperate with the PSC.
4. Work is in progress to develop adequate means. Ministries and social partners (WKÖ included) have already been asked to identify conflicting national requirements.
5. Work is in progress with the aim of further developing the Internal Market Information system (IMI). WKÖ is regularly informed.
6. Austria takes part in the expert group meetings organised by the European Commission. From time to time, there are meetings with representatives of the European Commission in Austria to discuss different topics. Furthermore, there is close cooperation with Germany.
7. For the time being, the screening is in progress.

Belgium

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1. The Chambers of Commerce have been observing this issue very closely. On the Flemish side, they have formulated an advice to the Flemish government, in the framework of the Social Economic Council of Flanders (SERV) and have been in close and permanent contact with the Flemish negotiators.
2. Administrative taskforces at different governmental levels (regional and federal) have been set up, including all administrations that will have to (possibly) adapt their regulation in the light of the Services Directive. A (Belgian) vademecum (based on the Commission model) has been edited to guide administrations throughout this process. Some administrations have ordered external studies to quantify the impact on their specific policy domain. Unfortunately the Chamber network has not been involved in this process. The Chambers of Commerce will try to ensure more stakeholders' involvement in this (at the moment) purely administrative process.
3. No. The Chamber network is not (yet) involved.
4. On the basis of a vademecum (see above) all administrations at the federal, regional and local level have to carry out their own analysis and present policy implications. The Chamber network is not (yet) involved.
5. We have no information in this respect. The Chamber network is not involved.
6. We understand that this process evolves slowly and we welcome the Commission's activities in stimulating this process (via workshops and training)..
7. Studies for Flanders and Belgium are underway. An interesting study, commissioned by the UK administration (DTI), was prepared by PWC in 2005: "Impact of the proposed EU Directive on Services in the Internal Market: case studies of UK businesses" (<http://www.berr.gov.uk/files/file22899.pdf>). The study includes some cases of the Belgian services market.

Bulgaria

1. No, the Bulgarian government had not been in any kind of dialogue with the Bulgarian Chamber of Commerce and Industry (BCCI) on issues concerning the Services Directive.
2. As far as we know the Bulgarian government has not yet undertaken any action towards the implementation of the directive. The Chamber is therefore not involved.
3. No, it has not although BCCI has been interested in this process.
4. Not yet.
5. The Services Directive covers the bulk of BCCI activities such as business services, management consultancy, certification and testing. Its implementation by the Bulgarian authorities is thus crucial for our organization as a whole as well as for the Bulgarian Chambers' network. We would be very grateful if our joint efforts with Euro chambres could succeed in having an impact on governments with regard to launching a dialogue at national level. There are at least three key fields of concern to the BCCI: i) the registration of foreign companies in the Trade Register of BCCI that guarantees transparency with regard to changes in status or management of a company; ii) the certification of goods, where BCCI provides evidence to the acquirer that a product meets contractual or otherwise specified requirements; iii) training and education schemes which help drive the success of business and in which BCCI is national leader.
6. According to the Bulgarian European Affairs Minister Gergana Grancharova, Bulgaria is getting ready for the implementation of the Services Directive. She said at a conference with Internal Market Commissioner Charlie McCreevy, who visited Bulgaria on 14-15 May 2007, that Bulgaria's Ministry of the Economy and Energy is actively involved in the process and that there is already a list of relevant legislative acts that need to be adopted in this respect by the end of 2009.
7. No, we are not.

Cyprus

1. Yes, it has. The Cyprus Chamber of Commerce and Industry participated in a National Advisory Committee on the Services Directive that was chaired by the Ministry of Commerce, Industry and Tourism.
2. An inter-ministerial committee has been set up to co-ordinate the implementation process. Moreover, the Legal Services of the Republic of Cyprus have started preparing the relevant framework legislation. A training seminar was organised for ministries' officers who are involved in the implementation process while more seminars are planned to be organised in the near future. We do not anticipate that we will be involved in this mechanism but we will be possibly consulted.
3. Yes, it has. A one-stop-shop for investors is already in place in Cyprus. The idea is to expand it in order for it to take up the role of PSC. The service will be provided electronically and the relevant ministries and various authorities will be connected to the central portal to ensure an efficient and fast services provision. It is unsure whether we will be involved. Cyprus is a small country and no complex structures are to be created.
4. The screening exercise has already started in the framework of the abovementioned National Advisory Committee. Our Chamber has been involved. The screening is still continuing, organised in a decentralised manner (i.e. each Ministry is responsible to screen its area of competence and report back to the Ministry of Commerce, Industry and Tourism, which is competent for the implementation of the directive).
5. The government supports the establishment of mutual assistance provisions across the EU and is involved in the relevant deliberations taking place at European level including the preparation of the necessary electronic platform. Our Chamber is not involved.
6. Yes we are. The competent authority is the Ministry of Commerce, Industry and Tourism.
7. The screening process is in place and at this stage we are not in the position to provide any information.

Czech Republic

1. We had exchanges of e-mails with the government and we also participated in the interdepartmental working group on this issue.
2. As far as we know, no legislative draft was yet presented but several seminars were organised by the competent Ministry, focusing on preparing the implementation and on the overall impact of the directive. Our Chamber is monitoring the implementation process and actually negotiating its role with regard to the PSC system.
3. We would like to be involved and the question is now being discussed.
4. Apparently yes. The bulk of this work was done through procedures at EU level, but mainly in formal ways among ministries and public administrations. We were informed about the process.
5. See answers 2 and 3.
6. No.
7. The screening is run with the overall aim of removing obstacles in services provision. The Trade Licensing Act actually discussed in the Czech Parliament represents a good example in this respect.

Denmark

1. Yes. There has been a bilateral meeting with the Danish authorities who also planned a public meeting in mid-December 2007.
2. The implementation of the Services Directive falls into the domain of competence of the Danish Enterprise and Construction Authority, which will be co-ordinating the work among the ministries involved. Since the publication of the directive, an inter-ministerial working group has been formed, gathering monthly to monitor implementation. The Danish Chamber of Commerce is informed on a case-by-case basis.
3. No final decision has been taken with respect to the model for the Danish PSC. The Danish Enterprise and Construction Authority is working towards a model supported by an online portal solution and an ambitious setup in which the PSC would be able to receive requests as well as send replies. However, while a comprehensive model remains the target, a smaller and more limited solution might still be an option.
4. All involved ministries completed their legislative screening. The Danish Enterprise and Construction Authority received their inputs in late November 2007 and will now issue a summary report. The Danish Enterprise and Construction Authority expects to be able to put forward proposals for the necessary legislative changes in early spring 2008. The Danish Chamber of Commerce expects to follow this process closely.
5. On mutual assistance, the Danish Enterprise and Construction Authority is waiting for the launch of an electronic system by the Commission and does not expect a national approach to be in place before 2008, when the Commission will have made its decision on technical aspects.
6. The Danish Enterprise and Construction Authority is in close contact with other EU Member States and is also participating in the Commission's expert group on the implementation of the directive. Discussions on the directive take place also in the framework of the ongoing Nordic and Baltic cooperation as well as bilaterally, especially with the Netherlands and the UK, who are also moving along with the implementation.
7. An early screening of the expected effects of the directive on legislation was carried out. At this point the Danish Enterprise and Construction Authority does not expect many specific obstacles, however the issue is closely monitored and a final conclusion will be taken as a result of the ministries reports (see answer to question 4).

Estonia

1. Yes, the government and other relevant institutions involved us, mainly through informal contacts by e-mail and phone.
2. Ministries officials formed a working group to table the implementation arrangements and coordinate the process. The Chamber is involved in this working group.
3. The PSC will be lying with a notary. Many functions will be also available online. The Chamber is not directly involved at this point.
4. See answer to question 2.
5. We do not have relevant information in this respect.
6. We do not have relevant information in this respect.
7. As the evaluation and screening are still in process we are not aware of any specific areas presenting major obstacles.

Finland

1. The Ministry of Trade and Industry has informed the Chambers of Commerce of Finland on the work being carried out.
2. The Chamber network is not involved in the implementation mechanism.
3. The YritysSuomi (Enterprise Finland) system is under development. The purpose is to use it as a PSC. There are some problems with regard to electronic administration. The Chamber network is not involved.
4. The basic legislative screening was completed. The Commission is creating an electronic tool for reporting. The Chambers network is not involved.
5. The IMI system plays a big role in this respect. The Chamber network is not involved.
6. The IMI system is under development. The next step will be the question of standards.
7. Some difficulties were encountered in our legislation on the difference between the concepts of 'temporary basis' and 'the establishment of service providers'. The Ministry of Trade and Industry will set up a working group in order to solve this problem at the beginning of 2008.

France

1. From the beginning of 2008, meetings have been organised 3 times between ACFCI and relevant Ministries, every time at our demand. The Ministry of Economic Affairs, Finance and Employment (our Ministry in charge) involved Chambers and sent expertise missions with the aim of seeing whether Chambers had the right skills to fulfil the objectives of the directive (for instance: virtual PSC, information centres...).
2. There is an interministerial group which is co-organised by the SGAE (Secrétariat Général des Affaires européennes, which is legally responsible for the transposition) and the Ministry of Economic Affairs, Finance and Employment (our ministry in charge, responsible for the concrete organisation of the transposition). Within the latter, there is a 3-level organisation:
 - 1st level: a person which co-ordinates the overall transposition structure;
 - 2nd level: a group of co-ordination of the Ministry directorates;
 - 3rd level: within the SMEs directorate of the ministry (the directorate which has responsibility upon the French Chambers), there are divisions among the different offices concerned by the themes of the directive.

As of today, the state of the process of transposition is characterised by a two-track development:

- List of procedures and formalities (screening exercise) – the SMEs directorate of the ministry has mobilised all its competences in order to carry out such work. When the list of authorisation schemes will be finalised and approved by the relevant services, ACFCI should be asked to participate in a meeting organised by the French government.
- Evaluation of the creation of a PSC:

On this last point, two missions have been hastened in the French Chamber network.

3. Even if the government services did not yet started to carry out the work on the PSC and the electronic procedures, they have presented some rather clear ideas in this respect. The website, entry point for the enterprises (<http://www.pme.service-public.fr>), seems to represent in their view a viable option. The electronic platforms of the Chambers will be (or already are) accessible through the abovementioned website (i.e. business platforms for administrative formalities: CFEnet¹, Annuaire des Entreprises de France: aef.cci.fr, marchés publics: marches.cci.fr, formalités export: webata, webcor...).
4. In order to positively conclude this exercise (in the framework of article 15 of the Directive), the competent ministerial services base their work essentially on the review of the different French laws which contain authorisation regimes. This exercise is currently being finalised. While associated to the exercise with respect to their authorisation processes (opinion on economic issues), French Chambers did not take part in the whole development of the exercise. However, we should receive the sum-up document.

For information, a working group has been organised under the coordination of the Secretary of State for SMEs (Hervé Novelli) in July 2007, on themes linked to regulatory simplification. This group, made up of 11 Chambers and professional organisations, worked on 3 main themes:

- Regulatory simplification
- Fiscal simplification
- Simplification of the social sphere

Each group brought some proposals forward in September 2007. Hervé Novelli wanted to present 10 strong and operational measures which could be integrated in a legislative proposal on economic modernisation, in the part concerning the enterprises, in spring 2008.

5. We do not have precise information available at this moment.
6. We do not have precise information available at this moment.
7. Within the French Chambers organisation, we embarked in an exercise which aims at focusing on specific obstacles experienced by our French enterprises when they seek to provide services in another EU member State, and vice versa.



Germany

1. After four informal meetings, a 'workshop' on the PSC including 120 stakeholders took place in June 2007.
2. The Government has established a working group called 'Bund-Länder-Arbeitsgruppe' in which political members of each federal state prepare the implementation of the directive. Stakeholders (chambers, local public authorities etc.) were invited to four hearings in the course of 2007. Chambers, local authorities and other stakeholders could propose their ideas on the directive's implementation and on the operational structuring of the PSC. The screening of regulations in Germany was also discussed.
3. The Chamber network (DIHK) is involved in a national e-Government project called 'Deutschland Online', which aims at developing a proposal concerning the electronic workflow between the PSC and the state institutions. Moreover, the above-mentioned 'Bund-Länder-Arbeitsgruppe' at the German Ministry of Economics presented two documents in November 2007 describing the PSC requirement profile. The documents neither favour any particular organisation of the PSC nor show a choice on who should take up the role of PSC. The 16 German Federal States will specify this profile in further detail and prepare the decision-making process.
4. The above mentioned 'Bund-Länder-Arbeitsgruppe' developed a 30-page questionnaire for the legislative screening. Chambers and other stakeholders were asked to take part in the development of this questionnaire in 2008, screening statutes and regulations.
5. -
6. No.
7. DIHK has a number of proposals to enhance start-up dynamism. They are part of a wish list which also contains proposals specifically targeted at the German political arena - such as revoking the form 'excess of receipts over expenses' for small businesses.
 - Creating the breeding ground for a sustainable business start-up climate within the education system. There is little chance to start productive self-employment without entrepreneurial awareness. International studies attest that Germany has a lot to catch up in entrepreneurial training. For a sustainable culture of individual initiative, 'self-reliance' must be a subject relevant in teaching programmes - from elementary school to university. Within the frame work of campaigns such as 'bosses in schools', DIHKs organises more than 400 activities a year (project days, lessons etc.), to promote the contact between businesspeople and pupils.
 - Federal states should allow DIHK to offer legally valid registration of a business. Founders would receive a single-source start-up service at their DIHK - from initial advice via the business plan-check to registering a business. A cut of red tape would promote business start-ups. DIHK Start-up Centres (IHK-Starterzentren) in Rheinland - Pfalz have provided such a service since the beginning of 2007.
 - Support the EU initiative 'Start-up within a week'. By the end of 2007 the EU Member States must enable the foundation of a Ltd. with employment covered by social security within an average of five working days. Founders of new businesses are to be able to consult one contact point. DIHKs' Start-up Centres in Rheinland-Pfalz ensure sound initial and orientation advice and legally binding trade/business registration.

Greece

1. No, we were not contacted at this point.
2. The Ministry of Economy and Finance (EU Affairs Directorate, Internal Market Dept.) is in charge of the implementation. Specific activities have been carried out:
 - The creation of a task force with ministries' officials for the screening
 - Collaboration with the Ministry of Interior, Public Administration and Decentralisation, the Information Society (Managing Authority of Operational Program IS) and Electronic Government stakeholders on the possibility to complete all procedures (especially those related to public bodies) electronically by 2009.
 - An info-day for the different stakeholders (public administration, Chambers, lawyers' association etc.) took place in July 2007. Representatives from the Greek Chambers attended.
 - A questionnaire has been distributed to the different stakeholders in order to map the level of understanding of the directive. The replies were unsatisfactory in both quantitative and qualitative terms. As a result, the Ministry published a circular letter on the implementation of the directive in Greece.
 - Members of the European Commission visited Greece to monitor the existing situation in November 2007. A workshop took place with officials of the public administration only.

Up to now, Chambers have only been involved in the dissemination phase: information on the actions taken by the Ministry and objectives, in order to support relevant changes (e-procedures, legislation etc.).
3. The Ministry of Economics is co-operating with the Ministry of the Interior, Public Administration and Decentralisation (MIPAD) and the Information Society on this topic. They are now examining the possibility (but nothing has been announced officially) that the network of the Citizens Service Centres, which belong to the MIPAD, will serve as PSC after reforming the legislative framework. The Chambers are not involved.
4. A task force has been formed with representatives from all ministries in order to screen existing legislation in view of reforming it. The process should be conducted via consultation and collaboration of the ministries with collective institutions, overseeing bodies or local government, which are responsible for the licences and the imposition of restrictions and conditions in the services sector as well as with other stakeholders representing businesses.

We have not been contacted yet by the Ministry of Development (Commerce Department) to which we belong, as only the screening phase has so far taken place.

We are looking forward to participate in the next phase, namely the evaluation of existing legislation and the proposals for reform, by bringing our position forward.
5. The Ministry of Economy and Finance is supervising and co-ordinating the IMI. Chambers are not currently involved in the pilot phase. By the end of 2009-beginning of 2010, we will have to install it in our IS system (as every public body) and follow a trainings to learn using it.
6. The Greek government has collaborated with the UK on the legislative screening. As the UK authorities have completed this phase quickly, we have asked them for guidance (best practices, inputs etc). They have also assisted us with the questionnaire (see answer 2). The Chambers were not informed in the first place nor asked for any inputs.
7. No report has been published on specific obstacles related to the establishment of service providers and provision of services. The possibility to complete all procedures electronically is seen by the MEF as one of the most challenging aspects in the reform of the establishment procedures, needing the motivation of the public bodies to implement them as well as of the citizens to boost the change in e-government.



Hungary

1. The team of officials forming the Hungarian delegation during the decision-making process at European level on the Services Directive held meetings where the professional associations invited - among others the Hungarian Chamber of Commerce and Industry - were informed about the directive.
2. The group of specialists belonging to the European Coordination Inter-dept. Committee led by the Ministry of Foreign Affairs is responsible for the legislative work related to the directive. This group of officials, made up of specialists from ministries, meets regularly. The representatives of the professional chambers are also involved in its work.

Some work was carried out on the legislative harmonization, and several modifications will be necessary. The Ministry of Foreign Affairs informed the government about the legislative tasks resulting from the Directive in March 2007. The rules and local level decrees touched by the directive are currently being examined.
3. The PSC is one of the central issues related to the directive and broad negotiations took place between governmental bodies and professional business associations. As a general rule the PSCs would work electronically, and consensus was reached on using the mechanism currently operating in Hungary. A government decision will be needed in order to preserve the traditional physical contact with the clients in those exceptional cases in which the electronic way will not be used.

The Hungarian Chamber of Commerce and Industry and the Budapest Chamber of Commerce and Industry were consulted on the possible role of the chambers in the realization and operation of the PSC, the head of the group of specialists belonging to the European Coordination Inter-departmental Committee consulted bilaterally the Secretary-General of the Hungarian Chamber of Commerce and Industry on this issue.
4. In spring 2007 the competent ministries checked the legislation related to their sphere of competence and activity, which can possibly limit the provision of services (screening lists). The ministries took into consideration a uniform system, drawn up by the Ministry of Foreign Affairs on the basis of the form prepared by the European Commission for the declaration of compatibility related to the restrictions existing in national legislations.

In the second half of 2007 the group of experts - on the basis of the screening lists produced by the ministries - started the examination of every concerned regulation, which could then be repealed, modified or kept.
The screening lists have been sent to all professional and business organisations which have contributed to the process. The Hungarian Chamber of Commerce and Industry and the Budapest Chamber of Commerce and Industry were included.
5. Member States' cooperation will play an important role for the efficacy of the directive. Regarding mutual assistance, the IMI will be key and it is currently being established in the framework of different pilot projects. The system will be first introduced for the implementation of the directive on the recognition of qualifications concerning 4 professions. Hungary acts to put the system in place together with Commission officials and other Member States. This system will assure direct contact between authorities in different Member States. Our Chamber was not included in these activities.
6. Since the beginning of the implementation period there have been regular meetings organised by DG Markt on the Services Directive, gathering specialists and officials from Member States. The Member States share their best practices, debate issues of common concern and try to carry out a uniform implementation of the directive. Officials from the Hungarian Ministry of Foreign Affairs participate in these meetings.
7. The full implementation of the directive requires strong efforts; several projects should be started and completed. The Member States' report obligations on the examination of their rules of law, the possibility of reading and making remarks concerning the report of other Member States considerably contributes to legislative transparency in Member States regarding provision of services as well as providers.

Ireland

1. No.
2. The Chambers' involvement was limited as part of the social partnership discussions.
3. Enterprise Ireland will most likely be the host in our opinion... if there is a plan.
4. No.
5. The government is doing very little. However studies show that it is very easy to set up a business in Ireland.
6. No major awareness of this issue at present.
7. We would devote attention to the creation of a unified and simple template for registering a company in a particular Member State, which could ideally then be recognised in all other member states or at least have easy registration procedures (i.e. the same information requirements in each Member States).

Italy

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1. Yes, only for an exchange of information.
2. The government has involved local authorities in order to find a common methodology for the implementation. The Chamber network has been involved informally.
3. The Italian regulation on the PSC should be revised in order to take into account the directive's provisions. The Chamber will be involved in the discussion.
4. The screening process has started in November 2007. The government is sending questionnaires to regions and local authorities to collect information on procedures and authorisations required for the development of services activities. The government is working on the preparation of an intranet web site to promote cooperation among different authorities.
5. The Chamber network is not involved, as only competent authorities are part of the mutual assistance provisions.
6. Yes, the Government is cooperating with other Member States at European level, especially in the framework of meetings organised by the European Commission.
7. Yes, there are some critical points. Unioncamere (Union of Italian Chambers of Commerce and Industry) will examine them closely.

Latvia

1. Yes.
2. Correct and timely implementation of the directive was made a government priority. An inter-ministerial working group was established through a decree of the Minister of Economics in February 2007. The group is made up of officials representing all ministries concerned.
3. The elaboration of a draft concept for the set up of the PSC according to Article 6 and 7 of the Services Directive is currently underway and should be completed by mid-2008.
4. The legislative screening at national level is currently underway and due to be finalised by the end of 2007. All non-governmental organizations and social partners concerned should have been involved in the process of identification and evaluation of restrictive requirements. The kick-off date for the regional screening was set as from 10 January 2008, when a meeting on this issue will have taken place. The working group for the implementation of the Services Directive should be also helped and supported by the representative of the Latvian Association of Local and Regional Governments.
5. This issue has not yet been addressed within the abovementioned working group.
6. The EU internal market co-ordination division (Internal Market Department, Ministry of Economics), whose core responsibility is to co-ordinate the process of implementation of the Services Directive in Latvia, ensures Latvia's representation in the Commission's expert group as well as in the Nordic-Baltic regional expert group for the Services Directive. The representative from the Secretariat of Special Assignments/Minister for Electronic Governments Affairs is also engaged with respect to the implementation of electronic procedures.
7. See answer to question 4.

Lithuania

1. There was a dialogue with officials from the Ministry of Economy of the Republic of Lithuania. The Ministry is rather positive on the participation of Chambers in the process.
2. Two research studies were carried out for the Ministry of Economy:
 - business legal regulation: the analysis of permissions, certificates and other documents needed to set up an activity;
 - systematic analysis of licensed activities.The Services Policy Division was established in November 2007 within the Ministry of Economy to deal with the coordination of the Services Directive's implementation. For the moment the government has not involved the Chamber network in this mechanism. The Association of Lithuanian Chambers of Commerce, Industry and Crafts is exploring ways to contribute to the process.
3. No, our Government has not yet indicated a preferred approach for the PSC but the issue is currently being debated.
4. The Ministry of Economy is establishing a means to screen existing legislation, but the Chamber network has not been actively involved in this process.
5. The Chamber network has not been involved in establishing mutual assistance provisions.
6. We are not directly involved.
7. The question is being considered and concrete obstacles have not been identified yet

Luxembourg

1. No.
2. The Luxembourg Chamber is involved. The government has set up an intra-governmental steering committee chaired by a senior civil servant from the Prime Minister's office. Nonetheless, internal market issues fall into the Ministry of Economics' portfolio, the latter being the supervisory body of the Luxembourg Chamber of Commerce. The governmental steering committee is informally technically advised by the Chamber of Commerce.
3. The Luxembourg Chamber is involved. The government's current official position is to set up a central PSC at governmental level taking the form of a web based platform that would be a 'one-stop-shop' portal comprising both information and the mechanisms to act on that information, the latter only regarding 'access' to business but not generally the 'carrying out' (exercise, practice) of business. Such a PSC would therefore:
 - allow to collect basic information and to interact with regulatory bodies in order to access the market (business permit) and, with some restrictions, to carry out business (operating licence) as well as to act with regard to notification requirements in the context of free provision of services;
 - be focused on multiple user types (not only EU-citizens) with a primary business focus on SMEs, therefore excluding consumers.

Such a virtual PSC would integrate the two existing one-stop-shops, i.e. the ones operated by the Chamber of Commerce (Espace Entreprises) and the Chamber of Craft (Espace Contact). These one-stop-shops would provide tailored face-to-face advice and could also take care of all the mandatory filings with privileged access to the governmental web-based PSC. The government would thus present to the Commission a central PSC with two privileged antennas.
4. Yes. The Luxembourg Chamber is involved through its participation in the Comité National pour la Simplification Administrative dans l'Intérêt des Entreprises (National Committee on the Reduction of Administrative Burden) as well as through the advice given to the intra-governmental steering committee (see answer 2). Following completion of the identification of the legislation to be screened, the identification of the potentially harmful legislation should begin soon.
5. At the moment there is no clear governmental position on this issue.
6. -
7. Luxembourg has a tough legislation regarding skilled craft. Craft trade is not assigned to the Chamber of Commerce but to the Chamber of Craft. As far as the Chamber of Commerce is concerned, access to trade activities is not overregulated in the Grand-Duchy. Even if provisions that regulate business access are not considered as real barriers (business permit or licence), then operating licences that are issued following an environmental impact and neighbourhood protection assessment may represent a real hurdle that could prevent or deter from establishing or providing services especially as these procedures are very time-consuming. It is therefore important to draw a clear line between what is supposed to regulate access to business on the one hand and what is supposed to regulate the exercise of a business on the other. PSCs will only be able to provide general information on the two matters but in no way handle complex issues like operating licences.

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Malta

The Malta Chamber's participation in the implementation process has been through briefings at the Malta Council for Economic & Social Development (MCESD) - which is the tripartite social dialogue forum in Malta. With regard to the current status of the implementation process, we are only in a position to report back on the following developments:

- an inter-ministerial committee has been set up to identify all legislation and administrative procedures currently limiting access to services provision;
- at the moment the committee is closely looking at legislation in order to identify what results will be obtained for the Maltese services liberalization;
- the PSC will be set up with respect to the different services at a later stage;
- we can envisage that the implementation process may be slowed down in the run up to the general elections that are expected to take place by May 2008 at the latest. The basic lines are being drawn but the main decisions will be likely taken after the elections.

Netherlands

1. The Services Directive has been mentioned in meetings with the government (Ministry of Economic Affairs) in the framework of the 'bedrijvenloket' project (which is now 'antwoord voor bedrijven', in English 'answer for companies').
2. There is a steering group made up of 3 officials from the Ministry of Economic Affairs (lead), one official from the Ministry of the Interior and one official from the Ministry of Justice which coordinates the overall implementation, with regard to all relevant parties. There are also eight project groups focusing on the different topics of the Services Directive.
At this moment the Chambers of Commerce are involved in the setup of 'answer for companies', which is linked to the Services Directive.
3. The PSC as mentioned in the Services Directive is being integrated in the 'antwoord voor bedrijven' project. The government is keen to use and adapt as much as possible already existing initiatives. The Ministry has opted for the 'facilitator' model for the PSC (connection to competent authorities). The other option they considered was the 'case handler' model.
The website (www.antwoordvoorbedrijven.nl) will be the one-stop shop for the first level of information between the government and the entrepreneurs. The Ministry of Economic Affairs will coordinate this one-stop-shop, consisting of a 'point of entry' (call centre, website) and 'point of supply' (central online database with content from all information providers). The Chambers of Commerce will be an important partner in providing and managing its own content (CCI is source of information) as well as being the main regional reference point to the other regional partners, physical as well as through other means. The main issues at the moment are how to get procedures and info from 1000 competent authorities and making electronic transactions possible (not possible at this moment).
Together with the Ministry of Economic Affairs, the Foreign Trade Promotion Office, the Dutch Tax and Customs Administration and large municipalities, the Netherlands Chamber of Commerce is part of the steering group (first level of information from the government) setting up 'antwoord voor bedrijven'.
4. The government has planned the screening. Below, in short, are the main points:
 - Establish an overview of which national legislation has a relation with the Services Directive and which does not (2005/2006)
 - Detailed screening of regulations of all national government departments (start 2007-)
 - Detailed screening of regulations of local governments (start 2007-)The Chamber network has so far only been involved with regard to the business register law upon an advisory request of the Ministry of Economic Affairs (in the Netherlands, the business register is managed by the chambers). This new law had to be made compatible with the provisions of the Services Directive concerning the business register.
Finally, we are not a legislative body (we do not issue laws or regulations, we only execute them). However it seems that 'policy regulations' have to be screened as well, so there might be an obligation in the future with regard to this point (it is however unclear at the moment).
5. The Commission is setting up an electronic system for the communication between the competent authorities in the Member States (IMI). Our Ministry of Economic Affairs is represented in the steering group. A pilot is planned for 2008.
6. DG Markt organises meetings on different aspects of the Services Directive. At the same time, bilateral meetings are organised, especially on the PSC. There have been bilateral meetings between our officials and the ones of the following countries: Denmark, Finland, Germany, Ireland, Poland, Sweden, and the United Kingdom.
7. -

Poland

1. The Services Directive issue was widely debated in the Polish media. The Polish Chamber of Commerce (PCC) was active in putting forward the expectations of the Polish business community and presenting its position on the PSC. We were active in monitoring the debate at government level (taking part in the reporting meeting to the Parliamentary Economic Committee by the state administration). Thus the communication had typically informative character and was not what we consider partners' dialogue. Fortunately, the government's view broadly matched businesses' expectations on the liberalization of services in the EU.

Just recently, after reaching contact with medium level government administration we received documents on the decisions taken during the last ministerial sessions organized by the Ministry of Economy under the newly formed Government (November 2007). We learned that consultations with social partners, primarily scheduled for March 2008, have been postponed to June/August 2008. Although our organization saw these documents, entrepreneurs have not been yet informed of these changes. From the entrepreneurs' perspective, last year was full of governmental promises to improve the business environment but no real action was taken. Today businesses expect real changes and bear high hopes in the new Government - the intervention of the new Prime Minister last week included all expectations of entrepreneurs.

2. Following the 'Kluska package' - a project of business-friendly economic reforms presented by the former Polish Government in March 2007, and the counterproposal of the opposition party (the current governing party) - 'Szejnfeld packet', the Government accepted amendments to the national Act on the Freedom of Economic Activity in June 2007. Both documents foresaw numerous facilitations for entrepreneurs, some of which were introduced by the amendments to the Act, such as the possibility to register a company at a PSC, fewer and less burdensome controls for companies and further implementation of electronic procedures. The new Government defined further economic reforms as a priority. Actions are thus expected soon.

All works on the implementation of the Services Directive are currently carried out by an ad-hoc Inter-ministerial Working Group coordinated by the Ministry of Economy, gathering ministries' officials responsible for the implementation of the directive and cooperating on relevant issues. The group adopted an implementation plan in October 2007. From then to the end of December 2007 a review of all necessary documents, procedures, certifications, permits/licenses required (from entrepreneurs in the process of registering or running a business) by relevant public bodies was to be conducted. The screening of national legislation is also to be finalized, in order to identify all acts touched by the directive. Furthermore a concept of PSC was drafted, projecting how the network will work once in place (most likely not before the end of 2008). Entrepreneurs still have to be consulted on the draft concept. The Chamber network is not involved in this process, which is broadly coordinated by the Ministry of Economy, in cooperation with other Ministries.

3. The establishment of PSCs was indicated in the amendments to the Act on the Freedom of Economic Activity which were adopted in June 2007. The former Government declared that the PSCs are scheduled to begin functioning on 1st October 2008 (this date was already postponed from 1st January 2008). However, due to public administration's lack of preparation to take up this new task, especially on the development of information technologies and computer systems within the committed public bodies (electronic signature is planned to be implemented in public administration in May 2008), representatives of the relevant state administration claim that this objective is unlikely to be met. No official information on this matter has been published yet.

PSC were to be placed in tax offices at first. Entrepreneurs would complete there administrative procedures instead of engaging with many institutions to register a company.

Another document which was passed in February 2007 by the former Government and also related to the Act on the Freedom of Economic Activity was the National e-administration plan (Plan Informatyzacji Państwa - PIP) which included, among other things, the establishment of the Central Information System on Economic Activity (Centralna Informacja o Działalności Gospodarczej - CIDG). The aim of the system would be to centrally record and provide all information on entities conducting business. This project did not include the possibility of registering companies, only filing and informing.

The government is currently working on joining the two projects - the concept of PSCs imposed by the Services Directive with the national project of CIDG to establish a single point of contact, in which registration and all information on economic activity and trans-national services would be available, in accordance with the Directive. Since the Ministry of Economy is responsible for the implementation of both projects, they claim to be the most appropriate place for establishing and coordinating the new PSC.

The draft version of the project (November 2007) states that the new PSC could function as a webpage providing all administrative information. The public database will contain, inter alia, information on entrepreneurs, procedures and formalities required for registering and running a business, contacts to all relevant public bodies responsible for registration of a company and issuing permits/licence, information on legal means in case of litigation between public bodies and services providers or receivers, information indicated in article 7 of Services Directive. Registrations, applications for a permit/licence or certifications would be possible by sending required forms in electronic version and signed electronically. Due to insufficiently developed e-infrastructure in Poland, it is being considered to indicate offices of public administration and establish a telematic info-line in order to provide entrepreneurs with technical assistance in this process.

Chambers are not included in this procedure. The Polish Chamber of Commerce repeatedly declared its willingness and readiness to assist the public administration in the process of establishing PSCs and electronic procedures in order to accelerate the reforms and implement them as soon as possible.

4. In August 2006, the Council of Ministers adopted the Regulatory Reform Programme, which is a national plan aiming at simplifying the legislative process and systemizing the existing law.

The main aim of the reforms is to implement legal solutions which will ensure the creation and functioning of effective, stable and transparent economic regulation. Regulatory Reform is carried out in two directions: through the streamlining of the regulatory process and through the streamlining and simplification of existing economic regulation. Reforms are to be conducted in cooperation with business organizations, research centers and NGOs in order to identify inefficient legislation which hampers the growth of businesses. In order to meet this objective, the Impact Assessment (IA) instrument was assessed (the instrument was introduced in Poland already in 2001 but failed due to malfunctioning of the system). Since the end of 2006 the IA procedures have been systematically reformed to ensure more effectiveness. New elements such as cost analysis of administrative burdens for entrepreneurs, emphasis on consultations with social partners and trainings for officials were introduced. In the nearest future (supposedly 2008) the government plans to implement ex-post evaluation and create a transparent electronic data base on all IA documents prepared by the administration.

At present, the Government is waiting for an analysis carried out by an external company evaluating the directive's socio-economic and juridical impact. This had to be ready by December 2007 and will serve as a basis for the Ministry of Economy to prepare the IA.

The Chamber network is not involved for now. As far as we know from government officials, social partners will be consulted during the preparation of the IA, through a questionnaire sent to business representatives and entrepreneurs on barriers in running a business.

5. The approach of the Polish government is strongly positive - it has been cooperating closely with other Member States since the beginning of the implementation period, particularly in preparation of the IMI. Government representatives are actively participating in all meetings of the Working Group on the implementation of the directive. The Chamber network is not involved in the process, which is solely conducted at governmental level. No consultations have been carried out.
6. The government claims to be in close cooperation with representatives of other Member States, maintains dialogue and exchanges experiences within Working Groups and meetings. They plan to establish new contacts with coordinators responsible for implementing the Services Directive in other Member States.
7. During the review of national legislation by relevant ministries, few fields in which changes would have to be introduced in order to comply with the requirements of the directive were indicated. These are, inter alia, limitations and restrictions regarding: required legal form (for example of services provided by lawyers and solicitors), territorial range (for example of shelters for homeless animals), temporary validity of permits/licence, separate permit for a branch, plant (for example for activity related to sewage disposal or collective water supply); as well as in activity on a temporary basis regarding obligations to have a permit or register in a professional association (for example for real estate agents). Furthermore, the range of information obligations for service providers will have to be extended, since Polish law does not require providing all the information requirements listed in the Services Directive.

Portugal

1. No, the government did not contact the Chambers of Commerce on the Services Directive. The Ministry of Economy through Direcção-Geral das Actividades Económicas (former Direcção-Geral Empresa) is in charge for the implementation phase.
2. The Ministry of Foreign Affairs and the Ministry of Justice have been involved in the negotiations and now the implementation is followed by Direcção-Geral das Actividades Económicas that belongs to Ministry of Economy and Innovation.
3. Direcção Geral das Actividades Económicas and the public institute AMA (Agência para a Modernização Administrativa) are in charge of the implementation of the PSC.
4. A working group made up by representatives of several ministries and led by the Direcção-Geral das Actividades Económicas is in charge of the screening.
5. UMIC (Knowledge Society Agency), which belongs to the Ministry of Science, Technology and Higher Education, is in charge of developing IMI.
6. Government representatives periodically participate in meetings with other EU members, to share experiences and best practices.
7. No specific areas presenting obstacles have been identified; in Portugal most services do not have a specific regulation.

Romania

Not answered

Slovakia

1. The Slovak Chamber of Commerce and Industry was contacted by the relevant department of the Ministry for Economic Affairs of the Slovak Republic.
2. The Chamber is not involved in the project management of the implementation.
3. Yes. The Chamber has given its comments on the establishment of the PSC in order to facilitate business start-ups in Slovakia.
4. The government did act in this respect, but the Chamber is not involved and we are not informed. The Ministry for Economic Affairs is in charge of the screening.
5. The Chamber is not involved.
6. We are not aware of who the government representative in charge is.
7. -

Slovenia

The free movement of services represents a huge market opportunity for all those companies not being direct exporters of industrial products. At the same time it allows new suppliers to tender their services on the market, therefore causing an increasing pressure to the existing offerers on the domestic market. When viewpoints regarding the Services Directive were set out, the Ministry of the Economy did not invite to cooperate neither the Chamber of Commerce of Slovenia nor its branch associations. Instead, the Ministry is going to organise educational workshops for our Chamber to inform us about practical changes and available benefits from the implemented directive at the end of January 2008. Our companies have already dealt with concrete problems related to the directive and have been reporting difficulties especially regarding tax and labour legislation. But there are probably many more dilemmas and opportunities not yet clear. In cooperation with the Ministry of the Economy our goal in 2008 is to inform member companies about all the necessary measures to be taken and opportunities opening up for them from the directive.

Spain

1. Discussions took place in recent months between the government and our organisation. We expect that in coming months the High Council of Chambers of Commerce of Spain will be officially invited to participate in the implementation procedures and discussion groups.
2. In order to carry out the work of transposition and coordinate the actions of the different administrations involved, in March 2007 the Delegate Government Commission for Economic Affairs (CDGAE) set up an Interministerial Working Group for the transposition of the Service Directive made up of the Ministry of Economy and Finance (responsible) and all remaining competent ministries with the following mandate: i) drive the process of transposition; ii) foster coordination between competent ministries; iii) create a detailed work programme.

The work programme, approved in July 2007 by the CDGAE, includes a general framework for coordination between all administrations which basically consists of a focus on sectors reinforced by horizontal coordination, by means of single interlocutors.

In order to ensure sectoral coordination, each ministry will use its existing instruments (Sector Conferences, General Manager Committees, etc.), but may also establish, when appropriate, ad hoc frameworks for the purposes of the directive.

Horizontal coordination is structured on single interlocutors by the Ministries and Autonomous Communities and its objective is two-fold:

- Have just one person appointed from each ministry and Autonomous Community who will be responsible for driving the transposition work within its institution.
- Through these interlocutors, deal with issues that span various subjects for which the sector framework is inadequate, for example anything in connection with the One Stop Shop service window or cooperation between administrations.

Finally, on a local level, we highlight the significance of the participation of the Spanish Federation of Municipalities and Provinces (FEMP) in the sector coordination forums.

The Work Programme for transposition of the Directive is based on the following principles:

- The focus must be ambitious with the aim of enhancing competitiveness in comparison to our EU partners embarked in the same process.
- Responsibility for transposition falls on each administration within its competencies.
- Cooperation between the different administrations and between the administrations and the different representatives of the private sector is necessary and desirable.

The programme is designed around the following lines of action:

- An 'umbrella' Law is currently being drafted, incorporating the general principles of the SD and setting a legal framework of reference beyond the transposition period. With the aim of producing a draft bill of the 'Umbrella' Law, a technical work group composed of experts from the Ministries of Economy and Finance, Foreign Affairs and Cooperation, Public Administration, and of Industry, Tourism and Commerce has already begun its work.
- The framework for work with Autonomous Communities and Local Corporations must be both sector-focused and horizontal. For that purpose, both the ministries and the Autonomous Communities have appointed a single interlocutor for purposes of coordinating the tasks of transposition.

With respect to transposing regulations, this will require:

- A first phase of identifying the regulations that may be affected
- A second phase of evaluating compatibility with the Directive. The evaluation will be carried out using a compulsory questionnaire which must be submitted to the Commission and the rest of the member states, and a voluntary questionnaire for the Autonomous Communities, which covers aspects that need to be evaluated but about which the Commission need not be informed.
- A third phase of modifying the sector regulations.

The group views the participation of the private sector in the process of transposition as very positive, particularly that of business representatives, which may be useful to identifying the obstacles that companies must face if they want to provide services whether in Spain or in other member states, as well as for analysing the evaluation reports presented by other member states. Up until now, contacts have been made with the High Council of Chambers of Commerce of Spain in order to explore channels of communication, the institution being present at all levels of administration and all companies participate in it. As coordination within the sectors progresses, representatives whose involvement in the process is considered appropriate will be identified.

Training needs with respect to the directive should be designed principally for those people who have to identify the regulations affected by the Directive, evaluate them and as necessary, modify them. To this end, technical training workshops have been carried out with the ministries and a similar scheme is being considered for the Autonomous Communities. Training workshops have also been offered to the Autonomous Communities.

Finally, it was decided that the Work Group for the Transposition of the Services Directive will submit periodic reports to the Delegate Government Commission for Economic Affairs on the progress made in the process of transposition, and also when required by said Commission.

3. In Spain, the establishment of PSC is the main problem for the implementation of the Directive; the implementation has to be made in co-operation with the Autonomous Communities (regions) and with the municipalities, because, by law, both of them have competences in issues regulated by the Services Directive. For the moment, the national authorities are still discussing this complex issue. Up until now, contacts have been made with the High Council of Chambers of Commerce of Spain in order to develop communication, in particular concerning the possible involvement of the 'Ventanillas Unicas' (one-stop-shops for companies, managed by the Spanish Chambers).
4. Yes, the different ministries involved in this issue are screening national legislation which could be in conflict with the directive.
5. The government supports the establishment of mutual assistance provisions across the EU and is involved in the relevant deliberations taking place at European level including the preparation of the necessary electronic platform. In this sense the Spanish Government has appointed the Ministry of Public Administrations (MAP) as Spain's representative. Informal contacts have been made with the High Council of Chambers of Commerce of Spain on this issue.
6. The Spanish authorities are in contact with other EU Member States' representatives to exchange information. They participate in meetings organised by the European Commission to discuss the implementation of the directive.
7. The process of transposition is a unique opportunity to remove unjustified or disproportionate obstacles to providing services in certain sectors, which in turn will encourage the creation of companies and contribute to improved regulation. Moreover, the transposition of the directive in all EU Members represents an important opportunity for Spanish companies that export their services. Services is the most important and growing sector in the Spanish and European economy in terms of both output and job creation: service activities account for 68% of Spanish GDP and are a key driver of our growth and job creation.

The main implications of the directive's transposition for Spain will be:

- Removal of barriers that unfairly restrict the creation of service activities and hinder or delay new entrepreneurial endeavours and job creation.
- Administrative authorisations that are not justified by general public interest or are unnecessary for the purpose will be eliminated. In general, this will mean that processes for obtaining prior administrative authorisation (resulting in temporary delays) will be replaced by statements or notifications that may be monitored afterwards by the competent authorities.
- Requirements that are either discriminatory or disproportionate for the service in question will be eliminated.
- Other administrative burdens for service providers will be cut: enrolment in registers, renewal of authorisations and duplication of procedures for new establishments.
- A major drive to simplify the procedures to be followed by service providers, taking advantage of the opportunities provided by information technology.
- By using the One Stop Shops any citizen can obtain information and complete the necessary formalities to create a service activity electronically, whether the business is being set up in Spain or in any other country inside the EU.
- Procedures across all levels of Public Administration (State, Regional and Local) are included. These should coordinate (and with the Administrations of other EU countries), to facilitate the process for citizens.
- The only procedures excluded are those that, by their nature, require inspections in person (such as verification of identity by a notary public or the prior inspection of business premises, where necessary).
- Strengthening service consumer protection rights.
- Guarantees that any service consumer has access to the services offered by any provider within the EU, in non-discriminatory conditions.
- Service providers must act with transparency. The provider must give the consumer its details (name, legal status, address, and where necessary, authorisation) and about the conditions of the service provided (characteristics price, guarantees).
- Administrations must inform and assist service consumers in making formal complaints to the competent authorities when legal action is taken against service providers, regardless of the country in which they are located.



Sweden

- 1.** The Chambers of Commerce hold a regular dialogue with the government, also on the Services Directive. These interactions have been ongoing, but did not increase as the legislative process neared its end. The dialogue usually takes the form of meetings and written interactions on topics of mutual interest as well as of informal communication.
- 2.** The government decided at the beginning of the year to convene a special secretariat to follow up on the implementation of the directive. It will be connected to an inter-departmental working group to enhance harmonised implementation and compliance of the secretariats' work. This secretariat will engage representatives from the business and it will have at its disposal a selection of different mechanisms ranging from meetings, seminars and formal written interaction, to choose from. This interaction process has however not started yet.
- 3.** The government is considering several options when it comes to the PSC, but no decision has been taken yet. Chambers were contacted to give input on their set up.
- 4.** The secretariat on the Services Directive, which will include the Chambers in its work, will be involved in this review and follow up on the potential points of conflict. The formal interaction of the secretariat with the private sector and chambers has not yet begun.
- 5.** The secretariat and the inter-departmental working group will also handle this issue.
- 6.** The Swedish government is in regular contact with other Member States to promote the Services Directive and to ensure that it is effectively implemented.
- 7.** Currently the most problematic issue is that of labour rights and the social protection of workers (i.e. which national rules companies should follow while working in another EU Member State). As the ECJ recently judged the Swedish system of collective agreements in violation with EU law, Sweden now faces the problem of rearranging its current system without damaging the Swedish welfare model, which up until now was partly based on the collective bargaining system.



United Kingdom

1. Yes! The UK's Dept. for Business Enterprise and Regulatory Reform (BERR) had formed a dedicated team to support the passage of the directive through the European Parliament. This team then formed a 'core stakeholders' group at national level. This group was mainly made up of business representatives but also included the Trade Union movement and consumer associations. The group met on a regular bi-monthly basis from 2005. It was characterised by an open and free exchange of views made easier because both Govt and business were very keen to support the directive's progress. BCC has been active on this group throughout.
2. At the beginning of 2007 the BERR 'Services Directive' team put a project board in place to oversee the successful implementation of the directive in the UK. This board has strong representation from senior civil servants representing key, relevant arms of government and they are complemented by representatives from the Better Regulation Task Force, consumer associations and a representative each from large corporate business and SMEs. BCC agreed to a representative drawn from another association but that person is required to be briefed by a group of associations including BCC before meetings and debriefed afterwardsso yes, the Chamber network is involved.
The Project Board has met on a regular, bi-monthly basis throughout this year, maintaining a strategic overview throughout.
In addition, the 'core stakeholders' group has continued to meet as before, basically to continue to do the practical things that aid successful implementation. BCC is an active member of that group. Occasionally, roughly every six months, BERR has held larger scale 'stakeholders' events with the participation of over 100 stakeholders and interested parties. (See below).
BERR has just launched a report covering its plans for the implementation of the directive and all parties have until early February 2008 to reply. BCC will be making a comprehensive response. BCC has maintained a robust presence in all the above activity and is generally satisfied with the willingness of the lead government department to consult and engage with the business community.
3. The starting point is a web portal, almost certainly making use of the existing Business Link mechanism. Beyond that the debate is to what extent the PSC will manage the process; options under consideration range from a 'point of information' (simple referral to other websites providing relevant data) through to a 'point of decision' (where all data will be on the web portal itself, as will be the means to apply and make decisions). The current BERR consultation suggests a preference for the mid-point where a proactive and helpful approach is taken to signposting. The core client group is seen to be service providers from other EU states but UK enquirers would not necessarily be excluded from the service. The chamber network is involved through all the mechanisms described above.
4. The UK government has been undertaking an extensive exercise across all its ministries during the course of 2007. This work has been aligned with the government's stated policy of simplifying legislation. The current signs are that very little will need to be changed through legislative measures in Parliament (an important consideration in terms of timescales). BERR will be publishing updates on its website over the coming months to seek stakeholders' views. They are also interested in stakeholders' views on barriers they come across elsewhere in the EU. Again, BCC will be involved in this work.
5. Much attention and effort has so far been directed towards establishing the PSC model and to the screening of legislation. Work is now under way to establish 'mutual assistance' provisions. The current BERR consultation lists its identified list of competent authorities and asks stakeholders to consider whether there might be others. This is also an area of work where the UK government is anxious to talk to other Member States. (See below).
6. Yes! The UK government has been active in 'Brussels' groups and has had and will have more bi-lateral discussions with other Member States. It has developed particularly close working with other northern European governments but has also talked to the Polish government and is about to visit the Italian government. Two events have taken place where stakeholders have been invited to meet representatives of other governments; first the Germans and, recently, the Dutch.
BERR has also taken very strong interest in the Eurochambres' survey process, including receiving a presentation on the results of the first survey.
7. BERR has drawn up a list of 100 separate requirements for service provision in the UK and is currently screening them according to the principles of the directive. In addition BERR is encouraging stakeholders to identify obstacles and challenges faced elsewhere in the EU member states. The picture will be clearer, later in the process.

EUROCHAMBRES' Questionnaire

1. Has your national government been in dialogue with your Chamber association as the Services Directive neared the end of the legislative process in Brussels? If so, what form has the communication typically taken?
2. The directive was published in the Official Journal on 27 December 2006, and the three year implementation phase started counting then (i.e. almost 10 months have now elapsed). What mechanisms has your government put in place to project manage the implementation arrangements? Has the government involved the Chamber network in this mechanism? If so, in what way?
3. Points of single contact (or Single points of contact): Has your government indicated a preferred approach to establishing a PSC? If so, what is the essence of that approach - in particular as regards the possibility to effectively complete procedures through the points of single contact? Is the Chamber network involved? If so, how?
4. Screening: is your government establishing a means to screen existing national legislation to ensure that it does not enter into conflict with the Services Directive's purpose and practice? If so, what work is under way? Is the Chamber network involved? How?
5. Mutual Assistance: What is your national approach to establishing 'mutual assistance provisions' across the EU? Is the Chamber network involved? How?
6. Are you aware of your national government's representatives talking to other EU states about collaboration during the implementation?
7. With regard to requirements applied in your country to the establishment of service providers (for instance authorisation procedures or other conditions you need to comply with to be able to engage into a service activity) or to the cross-border provision of services (for instance specific conditions imposed on service providers from other Member States before they are allowed to provide a service on a temporary basis - for instance the obligation to make a declaration), are you aware of specific areas that present obstacles and in which governments and institutions alike should particularly focus their efforts?

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The 26 European Chambers which provided inputs for this survey:

The Austrian Federal Economic Chamber, Federation of Chambers of Commerce and Industry of Belgium, Bulgarian Chamber of Commerce and Industry, Cyprus Chamber of Commerce and Industry, The Economic Chamber of the Czech Republic, Danish Chamber of Commerce, Estonian Chamber of Commerce and Industry, The Central Chamber of Commerce of Finland, The Assembly of French Chambers of Commerce and Industry, Association of German Chambers of Industry and Commerce, Union of Hellenic Chambers of Commerce and Industry, Hungarian Chamber of Commerce and Industry, Chambers Ireland, Association of Italian Chambers of Commerce, Industry, Craft and Agriculture, Latvian Chamber of Commerce and Industry, Association of Lithuanian Chambers of Commerce, Industry and Crafts, Chamber of Commerce of the Grand Duchy of Luxembourg, The Malta Chamber of Commerce and Enterprise, The Netherlands Chamber of Commerce, Polish Chamber of Commerce, Portuguese Chamber of Commerce and Industry, Slovak Chamber of Commerce and Industry, Chamber of Commerce and Industry of Slovenia, High Council of Chambers of Commerce, Industry and Navigation of Spain, The Association of Swedish Chambers of Commerce and Industry, The British Chambers of Commerce.

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