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REPORT FROM THE COMMISSION

On training and exchanges of officials in charge of the implementation of mutual assistance under the Services Directive (2006/123/EC)

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(Text with EEA relevance)

1. INTRODUCTION

An important and innovative part of the Services Directive¹ concerns administrative cooperation. Competent authorities at national, regional and local level in all Member States² are required to assist each other directly and across borders, in order to avoid a multiplication of controls and to ensure effective supervision of service providers (Articles 28 to 36).

The Internal Market Information System (IMI) supports authorities in this task. IMI is an IT-based information network developed by the Commission in close cooperation with Member States. It allows authorities to identify their counterparts in other countries and to exchange information with them in their own language using pre-translated questions and answers. In the event of problems, IMI coordinators can intervene. At present, IMI is being used in the context of the Directive on the recognition of professional qualifications³ and of the Services Directive.

Article 34(2) of the Services Directive calls on Member States, with the assistance of the Commission, to facilitate training and exchanges of officials in charge of administrative cooperation.

Article 34(3) asks the Commission to "*assess the need to establish a multi-annual programme in order to organise relevant exchanges of officials and training*".

This report summarises the findings of the assessment, which was carried out on the basis of data gathered from a number of different sources, including surveys amongst all IMI users and coordinators as well as feedback from IMI trainers.⁴

2. NEEDS ASSESSMENT

The feedback received from IMI users, coordinators and trainers allows drawing eight main conclusions:

¹ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L376 of 27.12.2006, p. 36).

² The term 'Member States', in this document, is used to refer to the 27 EU Member States and the three EFTA countries participating in the European Economic Area (EEA), i.e. Norway, Iceland and Liechtenstein.

³ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L255 of 30.9.2005, p. 22).

⁴ For a detailed description of the assessment and its results, please refer to the Staff Working Paper that accompanies this report.

- (1) IMI is user-friendly, but training remains necessary.
- (2) Training in the legal and practical implications of the Services Directive is more challenging than training in how to use IMI from a technical point of view.
- (3) General language and computer training is offered as part of on-the-job training and is not essential for administrative cooperation.
- (4) Users like to be trained locally.
- (5) The availability of trainers with the right skills is more of a concern than training costs.
- (6) The support material produced by the Commission is much appreciated, but not known well enough.
- (7) The main responsibility for training now lies with the Member States, but the Commission should play a role as well.
- (8) Exchanges of officials could add significant value.

3. OBJECTIVES OF MEASURES TO BE TAKEN

The overall objective of any measures to be taken on the basis of the needs assessment has to be to ensure that IMI users have the necessary knowledge and skills to be able to use IMI effectively. For this purpose, training should be provided close to the user and as consistently as possible throughout the EU. In the provision of training, IMI coordinators play a crucial role in which they should be supported. It is too early to define objectives in terms of the content of training, as needs are not unlikely to change over time.⁵

Support material should be made better known and more used. This is true in particular for the self-learning material.

As IMI users consider that it could add significant value to meet officials from other countries in order to exchange experiences, another objective should be to promote and support exchanges of officials.

4. COMPARISON OF AVAILABLE POLICY OPTIONS

The Commission could **maintain the status quo** and continue providing assistance to Member States in the same way as to date. These activities meet with high levels of satisfaction. However, they do not address all of the difficulties that those in charge of training and raising awareness are facing, such as insufficient human

⁵ The surveys were carried out at a time when, in many Member States, national legislation to implement the Services Directive had not yet been adopted and/or training on legal issues had not yet been provided

resources, lack of expertise in conducting training and lack of support from their hierarchy.

The Commission could **adapt and extend its current approach** in line with emerging needs in the Member States. For example, the Commission could help in the organisation of conferences with participants from several Member States. It could establish contacts between Member States that are interested in exchanges of officials and provide advice to them. The Commission could also assign a higher priority to wishes voiced by some coordinators, concerning e.g. translation of support material and preferences in the development of the system.

The Commission could seek additional resources and set up a **multi-annual programme**, which would allow for a sharp increase in the scale of training and awareness-raising activities. Systematic training in all Member States provided by external specialists, professional assistance in organising cross-border conferences and a centralised system for exchanges of officials are examples of measures that could be comprised in it. The impact in terms of financial and human resources would depend on the number and scope of such measures. However, it is not clear at this stage whether the substantial costs of such a multi-annual programme would be balanced by its benefits as long as the medium- and long-term needs of the Member States have not been identified.

The second approach would allow for flexibility in respect of emerging needs and could be implemented immediately. It may not be as effective as a multi-annual programme in reaching a lot of IMI users in a consistent manner and it would not address some of the coordinators' concerns. However, it could provide flexible support, whilst not precluding a more resource intensive solution at a later stage.

5. CONCLUSION

The overall results of the needs assessment suggest that there is currently insufficient justification to adopt a multi-annual programme for training and exchanges of officials. Such a programme would be premature, at a point in time when cooperation under the Services Directive has only just become operational. The Commission and IMI coordinators need to gain more experience in order to be able to identify the medium- and long-term needs for training and, potentially, exchanges of officials.

In the meantime, the Commission will continue its current efforts in supporting Member States in raising awareness for administrative cooperation and in training IMI users, which have been very successful so far. However, it proposes to adapt and extend them in a flexible manner as and when it receives corresponding requests from Member States. On the part of the Member States, and in particular IMI coordinators, this requires that they take seriously their crucial role in raising awareness and in training officials, by making use of the Commission's support and by allocating sufficient financial and human resources to these tasks.

The Commission will continue to monitor developments in the Member States closely and will re-assess the necessity to adopt a multi-annual programme on the basis of the experience that will be gathered during the first year of mandatory use of the IMI module for services. The Commission will report on the situation in the IMI Annual Report for 2010, which is planned to be published in February 2011. The

Commission will also transmit necessary statistical information to Member States on a regular basis, in order to allow them to provide their input for the annual report.⁶

⁶ For details about the arrangements for monitoring and evaluation, please refer to the accompanying Staff Working Paper.