

Single Market emergency instrument

2022/0278(COD) - 13/09/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 476 votes to 121, with 51 abstentions, **amendments** to the proposal for a regulation of the European Parliament and of the Council establishing a Single Market emergency instrument and repealing Council Regulation No (EC) 2679/98.

The matter was referred back to the committee responsible for inter-institutional negotiations.

Subject matter

The aim of this regulation is to contribute to the proper functioning of the internal market by setting out a framework of harmonised rules to strengthen its resilience, to effectively anticipate and prevent crises, to ensure an effective response to crises, and to facilitate the free movement of goods, services and persons.

The measures set out in this regulation apply in relation to significant impacts of a crisis on the functioning of the internal market, without prejudice to fundamental rights.

Internal Market Emergency and Resilience Board

This regulation should set up an Internal Market Emergency and Resilience Board to advise the Commission on the appropriate measures for anticipating, preventing or responding to the impact of a crisis. The European Parliament should be able to appoint an expert as a member of the Board. The Commission should invite representatives of other crisis-relevant bodies at Union level as observers to the relevant meetings of the Board, including, where appropriate, representatives of Committee of the Regions and of the European Economic and Social Committee. The Commission should ensure that the **European Parliament** receives all documents at the same time as Member States' representatives. The European Parliament should also systematically have access to the meetings of the Board to which Member States' experts are invited.

In particular, the Committee should assist and advise the Commission on measures affecting the free movement of goods, services and persons, including workers, paying particular attention to mobile workers, including frontier and cross-border workers.

Crisis protocols

The Commission, taking into account the opinion of the Board, may initiate, encourage and facilitate the drawing up of voluntary crisis protocols by economic operators in order to address internal market emergencies, strictly limited to extraordinary circumstances. The Commission should invite staff from the central liaison offices of all Member States to develop scenarios and parameters that capture the specific risks associated with internal market emergencies.

The Commission should develop and manage a **training** programme derived from lessons learnt from previous crises.

Stress tests

To ensure the free movement and the availability of goods and services of critical importance and to anticipate, and prepare for disruptions to the internal market, the Commission should all conduct and coordinate stress tests, including simulations and peer reviews, in particular for critical sectors identified by the Commission.

The Commission is empowered to adopt a delegated act to supplement this Regulation by laying down a methodology for a **mapping** exercise for determining critical sectors. The Commission should publish the results of this mapping exercise.

Prohibited restrictions to free movement during an internal market emergency

Restrictions on the free movement of goods, services and persons imposed by Member States in response to an internal market emergency should be prohibited, unless they are justified on grounds of legitimate public interest objectives, such as public policy, public security or public health, and are in compliance with the principles of non-discrimination and proportionality. Any such restriction should be limited in time and immediately removed as soon as the internal market emergency mode is deactivated or earlier, in the event that the restriction is no longer justified or proportionate. Any restriction should take into account the situation of border regions and outermost regions, especially for cross-border workers.

Strategic reserves

Member States should make best efforts to build up strategic reserves of goods of critical importance. The Commission should provide support to Member States in order to assist them in coordinating and streamlining their efforts. In particular, the Commission should ensure coordination and information exchange, and should promote solidarity between national competent authorities in relation to shortages of crisis-relevant goods or services, or building strategic reserves for goods of critical importance.

Coordinated distribution of strategic reserves

In the event of a shortage of crisis relevant goods and services affecting one or more Member States, the Member States concerned may notify the Commission thereof and indicate the quantities needed and any other relevant information. The Commission should transmit the information to all competent authorities and streamline the coordination of Member States' responses.

Action of the emergency mode

Where the Commission, taking into due consideration the opinion of the Board, considers that there is an internal market emergency, it should adopt a legislative proposal to activate the internal market emergency mode. The internal market emergency mode may be activated by means of a legislative act adopted on the basis of the said legislative proposal. The duration of the activation should be specified in that legislative act, and should be restricted to a **maximum of six months**. As soon as the internal market emergency mode is activated by means of the legislative act, the Commission shall, without delay, adopt such a list by means of an implementing act. That list may be amended by means of implementing acts.

Fast lanes

Members proposed the setting up, by the Commissions, of fast lanes that aim to facilitate the free movement of goods, services and workers, especially crisis-relevant goods and services. In particular, the Commission should provide relevant templates or single digital declaration, registration or authorisation forms for cross-border activities, in particular for professional services in the areas of healthcare,

installation, maintenance and repair, construction and food and agriculture in order to accelerate declaration, registration or authorisation procedures, including recognition of professional qualifications or posting of workers.

Emergency and resilience stakeholder platform

Lastly, the creation of a stakeholder platform was proposed to facilitate sector-specific dialogue and partnerships by bringing together key stakeholders, namely representatives of economic operators, social partners, researchers and civil society. That platform should aim to encourage economic operators to draw up voluntary roadmaps in response to an internal market emergency.