

Single Market emergency instrument

2022/0278(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 408 votes to 63, with 153 abstentions, a legislative resolution on 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 European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter

The proposed Regulation establishes a framework of harmonised measures to **effectively anticipate, prepare for and respond to the impact of crises on the internal market**. This framework aims to: (i) safeguard and facilitate the free movement of goods, services and persons, including workers; (ii) ensure the availability of goods and services of critical importance and crisis-relevant goods and services in the internal market where the Member States have adopted or are likely to adopt divergent national measures; and (iii) prevent the creation of obstacles to the proper functioning of the internal market.

The Regulation lays down, in particular:

- rules on the establishment and functioning of an Internal Market Emergency and Resilience Board to assist and advise the Commission with regard to anticipating, preventing or responding to the impact of a crisis on the internal market;
- contingency measures relating to anticipation, planning and resilience;
- measures, during the internal market vigilance mode, for addressing the impact of a threat of a crisis that has the potential to escalate into an internal market emergency;
- measures, during the internal market emergency mode, for addressing the impact of a crisis on the internal market, including measures that facilitate the free movement of goods, services and persons, including workers, during that mode;
- rules on public procurement during the internal market vigilance and emergency modes;
- rules on the provision of digital tools and the cooperation between the competent authorities.

Internal Market Emergency and Resilience Board

An Internal Market Emergency and Resilience Board is established, composed of one representative from each Member State and one representative from the Commission. The Chair of the Board should invite a representative from the European Parliament as a permanent observer to the Board.

Emergency and resilience dialogue

In order to enhance dialogue between the institutions of the Union and to ensure greater transparency, accountability and coordination, the competent committee of the European Parliament may invite the Commission in its capacity as Chair of the Board to appear before that committee to provide information on all matters falling within the scope of this Regulation. The Commission should take into account any

elements arising from the views expressed through the emergency and resilience dialogue, including the relevant resolutions of the European Parliament.

The Commission should establish a **stakeholder platform** in order to facilitate sector-specific dialogue and partnerships by bringing together key stakeholders, namely representatives of economic operators, social partners, researchers and civil society.

Emergency framework

The Commission may adopt an **implementing act** in order to define the details of an emergency framework for crisis preparedness, cooperation, information exchange and crisis communication for the internal market vigilance and emergency modes.

The Committee may recommend that the Commission initiate the development by economic operators of **voluntary crisis protocols** to deal with crises in emergency mode for the internal market. Economic operators may decide voluntarily whether or not to participate in voluntary crisis protocols.

The Commission should develop and organise regular **training** on crisis preparedness and conduct regular EU-wide **stress tests**, at least every two years.

Internal market vigilance mode

The Commission may propose that the Council activate the internal market vigilance mode. The Council may activate the internal market vigilance mode by means of a Council implementing act, which will specify the duration of activation (maximum 6 months). Once the internal market alert mode has been activated, the competent authorities of the Member States will monitor the supply chains of critical goods and services and the free movement of persons, including workers, involved in the production and supply of these goods and services.

Internal market emergency

The ‘internal market emergency mode’ means a framework for addressing a crisis with a significant negative impact on the internal market which severely disrupts the free movement of goods, services and persons or, where such a severe disruption has been or is likely to be subject to divergent national measures, the functioning of its supply chains. In this case, the Commission and the Council should, based on concrete and reliable evidence, assess whether the crisis creates one or more obstacles to the free movement of goods, services or persons, having an impact on at least one sector of vital societal functions or economic activities in the internal market.

Prohibited restrictions on the right to free movement during an internal market emergency

During an internal market emergency mode and when responding to an internal market emergency, Member States should refrain from introducing any of the following:

- any measures that are not limited in time;
- measures that discriminate between beneficiaries of the right to free movement under Union law based on nationality or, in the case of companies, the location of their registered office;
- measures that prohibit business travel linked to the research and development, production, placing on the market or related inspections and maintenance of crisis-relevant goods;

- measures that prohibit travel between Member States for imperative family reasons, when such travel is permitted within the Member State introducing such a measure;
- measures that impose travel restrictions on service providers, business representatives and workers, preventing them from travelling between Member States in order to access to their place of activity or workplace when there are no such travel restrictions within the Member State introducing such a measure.

Where the internal market emergency mode has been activated, Member States should communicate the text of any emergency measures taken in response to the crisis, without delay and after their adoption, to the Commission and to other Member States via the Union-level liaison office.