

Free movement of goods: elimination of obstacles to trade, Commission intervention mechanism

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Two years after the entry into force of Council Regulation 2679/98/EC of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the Member States, the time has come to assess progress in its application in light of the experience gained. Economic operators recognise that the information exchange system, as enshrined in the Regulation and the Resolution, has on the whole functioned fairly well over the last two years. However, there are doubts about the real effectiveness of these two legal instruments in preventing or eliminating obstacles. The only thing that can be established is the existence of short-lived obstacles. With a view to resolving the weaknesses of the regulation, the Commission suggests three possible scenarios: - maintaining the status quo: the Commission feels that the existing legal framework requires genuine cooperation with the Member States at several levels; - a more dynamic approach in applying the Regulation and compliance with the Resolution (for example, adoption of a vade-mecum intended for the Member States and economic operators, ad hoc system of regular information for the Council and the European Parliament on the course of each case of application of the Regulation); - amendment of the Regulation to extend and improve its scope (for example, elimination of any ambiguity in the definition of obstacles requiring rapid intervention under the Regulation, illustrative list of the necessary and proportionate supporting measures to restore as soon as possible the free movement of goods in the territory of the Member States, an extension of the scope of the Regulation to include situations which are not currently covered, the introduction of an accelerated procedure for bringing proceedings before the Court of Justice in the absence of a reply from a Member State, the insertion of a provision in the Regulation requiring Member States to adopt swift and effective ways and means of compensating individuals damaged by an obstacle).