

ET MERE ÅBENT OG SIKKERT INDRE MARKED

A More Open and Safe Single Market

REGERINGEN Juni 2010

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INDHOLD

CONTENTS

1. INDLEDNING	02	1. INTRODUCTION	02
2. FÆRRE HANDELSHINDRINGER I DET INDRE MARKED	05	2. FEWER TRADE BARRIERS IN THE INTERNAL MARKET	05
2.1 FÆRRE OG MERE ENSARTEDE NATIONALE REGLER FOR VARER OG SERVICES	06	2.1 FEWER AND MORE UNIFORM NATIONAL RULES ON GOODS AND SERVICES	06
2.2 YDERLIGERE MARKEDSÅBNING PÅ SERVICEOMRÅDET	09	2.2 FURTHER OPENING OF THE SERVICES MARKET	09
2.3 INNOVATIONSDRIVENDE REGULERING I EU	10	2.3 EU REGULATION TO DRIVE INNOVATION	10
2.4 FORTSAT EFFEKTIV IMPLEMENTERING AF EU-LOVGIVNING	12	2.4 CONTINUED EFFECTIVE IMPLEMENTATION OF EU LEGISLATION	12
3. INFORMATION OM REGLER I DET INDRE MARKED	14	3. INFORMATION ABOUT INTERNAL MARKET RULES	14
3.1 STATENS INDRE MARKEDS CENTER	15	3.1 THE INTERNAL MARKET CENTRE OF THE DANISH STATE	15
3.2 BEDRE ANVENDELSE AF CE-MÆRKET	19	3.2 BETTER APPLICATION OF THE CE MARKING	19
3.3 BEDRE NATIONALT KENDSKAB TIL OG ANVENDELSE AF REGLER FOR DET INDRE MARKED	20	3.3 IMPROVED NATIONAL KNOWLEDGE AND APPLICATION OF INTERNAL MARKET RULES	20
3.4 VIDEREUDVIKLING AF ET INDRE MARKED FOR FORBRUGERNE	22	3.4 FURTHER DEVELOPMENT OF AN INTERNAL MARKET FOR CONSUMERS	22
4. MERE SIKRE VARER OG SERVICES I DET INDRE MARKED	23	4. SAFER PRODUCTS AND SERVICES IN THE INTERNAL MARKET	23
4.1 BEDRE MARKEDSOVERVÅGNING PÅ VAREOMRÅDET – OPRETTELSE AF MARKEDSOVERVÅGNINGSUDVALG	24	4.1 IMPROVED SURVEILLANCE OF THE MARKET FOR GOODS – SET-UP OF A MARKET SURVEILLANCE COMMITTEE	24
4.2 PLANLÆGNING OG PRIORITERING	25	4.2 PLANNING AND PRIORITISATION	25
4.3 KOORDINATION OG SAMARBEJDE MELLEM MARKEDSOVERVÅGNINGSMYNDIGHEDERNE	26	4.3 COORDINATION AND COOPERATION BETWEEN MARKET SURVEILLANCE AUTHORITIES	26
4.4 INTERNATIONALT SAMARBEJDE OM MARKEDSOVERVÅGNING	27	4.4 INTERNATIONAL COOPERATION ON MARKET SURVEILLANCE	27
4.5 BEDRE HÅNDHÆVELSE PÅ SERVICEOMRÅDET	28	4.5 IMPROVED ENFORCEMENT IN THE SERVICES FIELD	28
5. NOTER	30	5. NOTES	30

1 INDLEDNING INTRODUCTION

Verden har befundet sig i en af de alvorligste økonomiske kriser i mange år med stigende arbejdsløshed og et drastisk fald i den økonomiske vækst til følge. Vi er ikke igennem krisen endnu, men den økonomiske aktivitet er atter begyndt at øges verden over. I krisetider har mange regeringers automatreaktion været at beskytte egne virksomheder og arbejdspladser. I det lange perspektiv er protektionistiske tiltag som statsstøtte, tekniske handelshindringer og antidumpingtold imidlertid uholdbare. De er med til at holde liv i virksomheder, der ikke er konkurrencedygtige på længere sigt, og de fører således til en negativ spiral af faldende international handel, vækst og beskæftigelse.

Ikke kun i modgangstider, men også i tider som nu, hvor behovet for at få økonomien tilbage på det rette spor igen er fremherskende, er der brug for at fastholde centrale principper om åbenhed, konkurrence og frihandel både internt i EU og i forhold til resten af verden. Frihandel og konkurrence medvirker til at effektivisere og strømline europæisk økonomi. Dette er nødvendigt for at sikre stabil økonomisk vækst på den lange bane. Et stadigt mere udbygget og velfungerende indre marked i EU er i den forbindelse en hjørnesteen i bestræbelserne på at få den europæiske økonomi tilbage på sporet igen.

Det indre marked har været en central vækstmotor i den europæiske økonomi gennem de seneste årtier - udbygningen af det indre marked siden 1992 har medført en stigning i EU's BNP på 2,15 % og skabt 2,75 mio. ekstra jobs i EU.¹ Fjernelsen af handelsbarrierer har styrket konkurrencen på de nationale markeder til gavn for virksomheder, forbrugere og samfundet generelt. Analyser viser imidlertid, at der fortsat er et stort uudnyttet potentiale i det indre marked.² Skal dette udnyttes, så kræver det, at de resterende handelsbarrierer i EU fjernes, og at virksomheder og forbrugere har kendskab til og anvender deres rettigheder i det indre marked. I tider som nu har vi ikke råd til at lade dette potentiale forblive uudnyttet.

En vigtig forudsætning for at drive det indre marked videre er, at der skabes sikre og trygge rammer for handel på tværs af grænserne. Tillid til, at varer og services opfylder krav til sikkerhed, sundhed og miljø, er et grundvilkår for, at forbrugerne i sidste ende vil udnytte mulighederne i det indre marked. Forbrugerne skal kunne stole på, at varer og services, som er handlet i et andet EU-land, overholder EU-lovgivningen. Virksomhederne skal derudover sikres lige konkurrencevilkår via effektive indgreb overfor de konkurrenter, der overtræder reglerne.

We have experienced the worst global depression in many years, resulting in rising unemployment rates and a steep drop in economic growth. The crisis is not over yet, but we are seeing increasing economic activity all over the world once again. In times of crisis, many governments have reacted by automatically protecting national businesses and jobs. However, protectionist initiatives such as state aid, technical trade barriers and anti-dumping duty are unsound in the long perspective. Such measures help businesses survive that are not competitive in the long run and will thus lead to a negative downward spiral of falling international trade, growth and employment rates.

Not only in hard times, but also in times like these when there is a predominant need once again to bring the economy back on the right track, we need to maintain key principles of openness, competition and free trade within the European Union and in relation to the rest of the world. Free trade and competition contribute to the optimisation and streamlining of the European economy. This is important to safeguard long-term, stable economic growth. In that connection, a growing and increasingly well-functioning European Internal Market is a corner stone of the efforts to restore the European economy to health.

The Internal Market has been a key source of growth for the European economy over the last decades. The expansion of the Internal Market since 1992 has implied an increase in European GDP of 2.15 per cent and the creation of 2.75 million new jobs in the European Union.¹ The removal of trade barriers has boosted competition in the national markets for the benefit of businesses, consumers and society in general. However, analyses show that the Internal Market² still has massive unexploited potential. To exploit this potential, the remaining trade barriers that exist in the European Union must be removed and businesses and consumers must know and exercise their rights in the Internal Market. In times like these we cannot afford to leave this potential unexploited.

The creation of a secure and safe framework for cross-border trade is an important precondition for continuing the development of the Internal Market. In the end, confidence that goods and services meet safety, health and environmental standards is a basic condition for consumers to make use of the opportunities offered by the Internal Market. Consumers must be able to trust that goods and services purchased in another Member State comply with EU legislation. In addition, we must make sure that businesses have equal competitive conditions by

Et velfungerende indre marked med effektiv forbruger- og miljøbeskyttelse kan også bidrage effektivt til at fremme øget innovation blandt virksomhederne. Det kan bl.a. ske gennem regulering, der belønner anvendelsen af bæredygtige energikilder eller andre grønne løsninger, som på sigt kan give europæiske virksomheder en konkurrencefordel på de internationale markeder. Særligt på miljøområdet har EU formålet at være international trendsætter for de krav, der stilles til forskellige produkter. Det bevirker, at flere lande, særligt i Sydøstasien, vælger at kopiere reglerne i EU for på den måde at sikre, at deres virksomheders produkter lever op til kravene på det købestærke og attraktive europæiske marked. Når andre lande således tager de europæiske regler til sig, vil de europæiske virksomheder typisk opnå en first-mover fordel ved allerede at have opnået en vis ekspertise inden for rammerne af de europæiske regler.

Endelig er der grund til at understrege, at en stadig bedre beskyttelse af forbrugernes sikkerhed og sundhed, arbejdstagere og miljø mest effektivt kan opnås ved, at myndighederne i alle EU-lande samarbejder og deler viden om, hvordan forbruger-, arbejdstager- og miljøbeskyttelsen tilrettelægges bedst muligt.

Regeringen lancerer derfor en handlingsplan, der skal bidrage til udvikling af et mere åbent og sikkert indre marked. Strategien baserer sig på tre sammenhængende og gensidigt understøttende initiativområder, jf. figur 1. For det første arbejder regeringen for yderligere samhandel og åbninger af markederne i EU til gavn for danske virksomheder og forbrugere. For det andet arbejder regeringen for øget opmærksomhed om de gældende regler i det indre marked. For det tredje arbejder regeringen for bedre og mere ensartet kontrol med varer blandt andet gennem bedre koordination af myndighedernes indsats og øget samarbejde mellem EU-landene.

imposing effective sanctions against competitors that break the rules.

A well-functioning Internal Market with an effective protection of consumers and the environment may also contribute to effectively promoting innovation among businesses. One way to further this development is to adopt legislation rewarding the use of sustainable energy sources and other environmentally friendly solutions which may give European businesses a competitive edge on the international markets in the long term. Concerning the environment in particular, the European Union has been able to set the standard on an international level for various product requirements. This means that several countries, in South-East Asia in particular, choose to copy the EU rules to make sure that the products of their businesses meet the requirements in the affluent and attractive European market. When other countries adopt the European rules, European businesses will therefore typically have an advantage as first-movers because they have already gained a certain expertise within the framework of the European rules.

Finally, it is important to emphasise that in order to effectively achieve the continued improvement of the protection of consumer safety and health, of workers and the environment, the authorities of all Member States must collaborate and share knowledge about how to plan the protection of consumers, workers and the environment in an optimum manner.

The Government is therefore launching an action plan to contribute to the development of a more open and safe Single Market. The strategy is based on three interconnected and mutually supporting initiative areas, see Figure 1. Firstly, the Government works to increase trade and opening of the European markets for the benefit of businesses and consumers in Denmark. Secondly, the Government works to increase awareness about applicable rules in the Internal Market. Thirdly, the Government works to create improved and more uniform control of products through better coordination of government efforts and increased collaboration between EU Member States.

Figur 1: Oversigt over handlingsplanen for et mere åbent og sikkert indre marked

Figure 1: Illustration of the action plan for a more open and safe Single Market



Målet med handlingsplanen er at videreudvikle det indre marked, så det også på lang sigt kan være en central vækstmotor i den europæiske økonomi. Handlingsplanen skal skabe et mere åbent og samtidigt mere sikkert indre marked i EU. Et indre marked med færre handelshindringer og effektiv beskyttelse af forbrugere, arbejdstagere og miljø. Et indre marked der fastholder visionen om frihandel også i økonomiske modgangstider. Et indre marked der sætter den internationale dagsorden og fremmer innovation og grøn vækst gennem effektiv og målrettet EU-regulering.

Regeringens handlingsplan vil desuden på sigt blive suppleret af en række initiativer på EU-plan. Kommissionens formand Barroso har således annonceret, at 20-års jubilæet for det indre marked i 2012 vil blive markeret med en ny indre markedspakke. Kommissionen er derfor i gang med at vurdere, hvilke elementer i det indre marked der stadig har et uudnyttet potentiale i sig, således at nye kilder til vækst og beskæftigelse kan identificeres.

The objective of the action plan is to further develop the Internal Market to make it a key source of growth for the European economy also in future. The action plan is to create a more open and at the same time a safer Internal Market in the European Union. An Internal Market with fewer trade barriers and effective protection of consumers, workers and the environment; an Internal Market in which the vision of free trade is maintained, also in times of economic depression; an Internal Market which sets the agenda on the international scene and promotes innovation and sustainable growth through effective and targeted EU legislation.

The Government's action plan will furthermore in the long term be supplemented by a number of initiatives at European level. The President of the European Commission José Manuel Barroso has thus announced that the Internal Markets 20 year's anniversary in 2012 will be marked with a new internal market package. The Commission has therefore with the purpose of identifying new sources for growth and jobs started the evaluation of which elements in the Internal Market that still have an untapped potential.

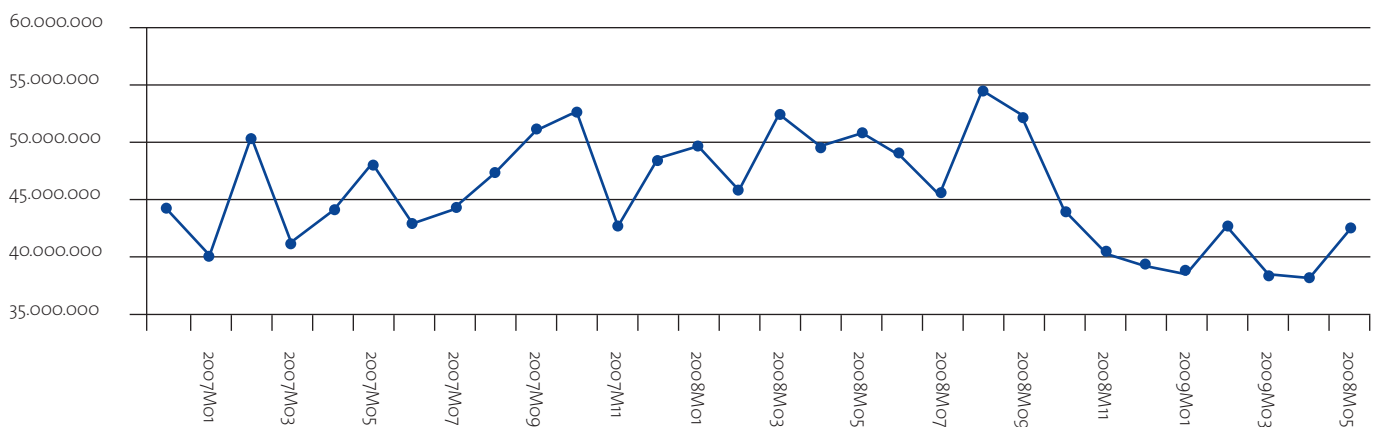
2 FÆRRE HANDELSHINDRINGER I DET INDRE MARKED FEWER TRADE BARRIERS IN THE INTERNAL MARKET

EU's indre marked er veludviklet på en lang række områder. 80 % af de varer, der markedsføres i EU, er dækket af harmoniserede fælleseuropæiske regler. De resterende 20 % er dækket af nationale regler eller er ikke regulerede. På serviceområdet er der vedtaget et tværgående direktiv – servicedirektivet³ – der skal øge handel med tjenesteydelser i EU. Derudover foregår der løbende markedsåbninger inden for udvalgte servicesektorer, herunder transport-, netværks- og finansielle tjenesteydelser m.v.

Selv om EU således er kommet langt for at skabe et indre marked for varer og services, kan der stadig gøres mere. Udviklingen af ensartede konkurrencevilkår, enten i form af egentlig harmonisering på EU-niveau eller via mere ensartede nationale regler, skaber nye afsætningsmuligheder for danske virksomheder og nye valgmuligheder for danske forbrugere. Markederne bliver større, hvilket intensiverer konkurrencen og tvinger virksomhederne til at optimere produkter, services og processer med henblik på at vinde markedsandele. Handelsliberalisering og regelharmonisering i EU øger således konkurrencepresset og tvinger virksomhederne til at være innovative til gavn for dansk konkurrenceevne og vækst. Dette er afgørende i en tid, hvor den danske eksport er under stærkt pres, jf. figur 2.

Figur 2: Udvikling i dansk eksport

Kilde: Danmarks Statistik (SITC2R4M).



The European Internal Market is well-developed in many respects. 80 per cent of the products marketed in the European Union are subject to harmonised Community rules. The remaining 20 per cent is subject to national rules or is unregulated. The Services Directive is a common EU directive adopted for the services field. The purpose of the Directive is to increase trade in services within the European Union. ³In addition, market openings are constantly taking place in selected services sectors, including the transport, network and financial services sectors.

Even though the European Union thus has made good progress in the efforts to create an Internal Market for goods and services, the job is not done. The development of uniform competitive conditions, either in the form of actual harmonisation on the EU level or more uniform national rules, creates new potential markets for Danish businesses and new options for Danish consumers. The markets become larger, which will intensify competition and force businesses to improve their products, services and processes to gain market shares. Trade liberalisation and regulatory convergence in the European Union will thus increase competition and force businesses to be innovative for the benefit of Danish competitiveness and growth. This is imperative at a time when Danish exports are under extreme pressure, see Figure 2.

Figure 2: Development in Danish exports

Source: Statistics Denmark (SITC2R4M).

2.1 FÆRRE OG MERE ENSARTEDE NATIONALE REGLER FOR VARER OG SERVICES

De største tilbageværende knaster i det indre marked vedrører de varer og services, som ikke er omfattet af EU-regler, eller hvor EU-reglerne giver mulighed for supplerende national lovgivning. Det drejer sig om mindst 20 % af varerne og en stor del af serviceydelse.

Nationale regler kan udgøre barrierer for samhandlen i EU. De indebærer, at varer og services ikke kan bevæge sig frit over grænserne, men skal tilpasses, ændres eller godkendes for at blive handlet over grænserne. Det skaber meromkostninger, som i sidste ende skal betales af forbrugerne.

Nationale regler er imidlertid oftest fastsat ud fra legitime hensyn såsom beskyttelse af forbrugere, sundhed, sikkerhed eller miljø eller på baggrund af den tekniske infrastruktur (jernbanesystemet, elektricitet, gas mv.). De nationale regler er med andre ord begrundede i tungtvejende hensyn. Det er derfor nødvendigt med initiativer, som anerkender, at der i et vist omfang er behov for nationale regler, men som samtidig tilstræber størst mulig ensartethed imellem de nationale regler.

Ifølge en undersøgelse foretaget af Kommissionen har op mod 25 % af alle virksomheder, som handler i det indre marked, haft problemer med nationale regler, der begrænser den frie bevægelighed.⁴Beregninger viser, at danske regler på vareområdet medfører, at BNP i Danmark årligt er knap 2 mia. kr. lavere, end det ellers kunne have været.⁵Andre analyser peger på, at fjernelse af barrierer for 10 udvalgte serviceydelser, herunder krav om autorisation, nationalitet m.v., vil medføre en årlig vækst i BNP på godt 300 mio. kr.⁶Nationale regler begrænser dermed både danske virksomheders eksport til de andre EU lande og dansk import af varer fra EU. Det skader vækst, konkurrence og innovation i Danmark.

Alene på vareområdet er der i perioden 2001-2009 indført omkring 5.900 nationale regler i EU-medlemslandene. Det svarer til gennemsnitlig 655 forskellige nye nationale regler om året, jf. figur 3.⁷

2.1 FEWER AND MORE UNIFORM NATIONAL RULES ON GOODS AND SERVICES

The largest obstacles that remain in the Internal Market relate to goods and services not covered by EU rules or concerning which the EU rules allow for additional national regulation. This relates to at least 20 per cent of the goods and a large proportion of the services.

National rules may constitute barriers to intra-European trade. Such rules prevent the free movement of goods and services across borders unless they have been adapted, modified or approved for cross-border trade. This creates additional costs, which are ultimately paid by consumers.

However, national rules are often laid down on the basis of legitimate considerations, such as the protection of consumers, health, safety or the environment, or on the basis of the technical infrastructure (railways, electricity, gas, etc.). In other words, the national rules are justified by weighty considerations. Initiatives are therefore required that recognise the necessity of national rules to a certain extent while at the same time aiming at the greatest possible uniformity of national rules.

According to a survey made by the European Commission, almost 25 per cent of all businesses trading on the Internal Market have experienced problems with national rules that limit free movement.⁴Calculations show that Danish rules governing the goods field imply that Denmark's GDP is almost DKK 2 billion lower than it could have been.⁵Other analyses indicate that the removal of barriers to the trade in ten selected services, including authorisation and nationality requirements, would result in an annual growth in GDP of just over DKK 300 million.⁶National rules thereby limit both Danish exports to other EU Member States and Danish imports of European goods. This has a negative effect on Danish growth, competition and innovation.

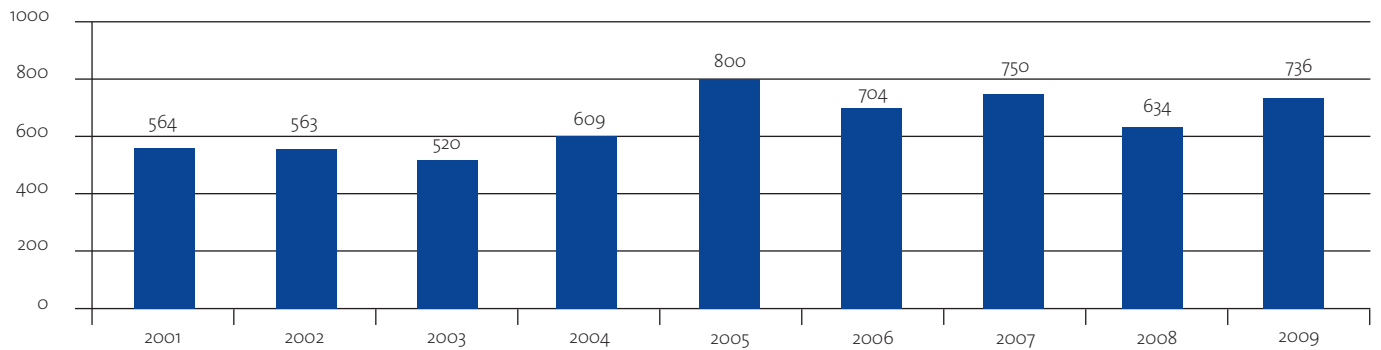
In relation to goods alone, 5,900 national rules were implemented in the EU Member States from 2001 to 2009. This corresponds to an average of 655 different new rules a year, see Figure 3.⁷

Figur 3: Nationale regler i EU/EØS 2001-2009

Kilde: Kommissionen

Figure 3: National rules of EU/EEA Member States, 2001-2009

Source: The Commission



I Danmark er der i samme periode indført 291 nationale regler. Tabel 1 viser fordelingen heraf på politikområder.

In the same period, 291 national rules were implemented in Denmark. Table 1 shows the rules by policy area.

Tabel 1: Nationale regler fordelt på politikområder i Danmark, 2001-2009.

Kilde: Kommissionen

Table 1: National rules by policy area in Denmark, 2001-2009

Source: The Commission

	2001	2002	2003	2004	2005	2006	2007	2008	2009	I ALT TOTAL
Transport Transport	8	14	7	14	8	8	9	6	9	83
Fødevarer, landbrug og fiskeri Food, agriculture and fisheries	8	5	10	5	6	5	6	2	0	47
Kemikalier og miljø Chemicals and environment	3	2	5	6	6	7	6	8	8	51
Byggevarer Construction products	3	1	8	6	1	0	5	1	2	27
Telekommunikation Telecommunications	4	6	2	2	2	3	4	5	6	34
Diverse produkter Miscellaneous products	5	0	2	2	0	0	0	0	4	13
Energi, mineraler og træ Energy, minerals and wood	2	1	2	2	2	1	1	0	1	12
Informationssamfundstjenester Information society services	1	0	0	0	0	0	7	0	1	9
Anvendelse af udstyr Use of equipment	1	0	1	3	1	0	0	0	2	8
Sundhed, medico og farma Health and medico-pharmaceuticals	1	1	3	0	1	0	0	0	1	7
Total for Danmark Denmark, total	36	30	40	40	27	24	38	22	34	291

Med henblik på at reducere antallet af rent danske regler nedsatte regeringen i 2004 en såkaldt "Task force for det indre marked" (TIM). TIM har i de senere år gennemgået ca. 400 danske retsakter og identificeret barrierer i 154 af disse, der kan være i strid med principperne for det indre marked. På denne foranledning bliver der foretaget ændringer i 133 retsakter. Efter dialog med relevante myndigheder blev det konkluderet, at det ikke var muligt at fjerne de resterende barrierer ud fra særlige nationale hensyn.⁸

Med TIM er Danmark kommet et stykke af vejen i retning af at fjerne u hensigtsmæssige krav i eksisterende regler og derved åbne det danske marked for yderligere konkurrence. Udfordringen ligger nu i at sikre, at nye eller reviderede regler også udarbejdes, så de forvrider handlen i det indre marked mindst muligt, samtidig med at de sikrer en effektiv beskyttelse af forbrugere, arbejdstagere og miljø.

Der indføres derfor et sammenligningskrav, når danske myndigheder ønsker at indføre nye nationale regler eller revidere eksisterende regler for varer og services. Myndighederne skal fremover afdække, om der findes tilsvarende regler i andre EU-lande og i givet fald lægge de danske regler op ad disse eller begrunde eventuelle afvigelser. Hensigten er at skabe størst mulig konvergens mellem danske og udenlandske regler for derved at udvide markedet for dansk producerede produkter og samtidig opretholde et højt beskyttelsesniveau.

Ved at lægge de danske tekniske forskrifter op ad fx tilsvarende forskrifter i Sverige eller Storbritannien opnås en mindre variation i reglerne på nærtliggende markeder. Det gavner både danske og udenlandske virksomheder. Sammenligning med udlandet forbedrer danske virksomheders konkurrenceevne og giver endvidere bedre lovgivning, fordi der skabes bedre forudsætninger for at finde løsninger på fælles problemer.⁹

Indførelsen af et sammenligningskrav i Danmark følges op med en aktiv dansk indsats for at indføre et tilsvarende krav i resten af EU. Regeringen vil have som prioritet, at der som generelt princip i EU stilles krav om sammenligning med udlandet, når nationale myndigheder vælger at indføre nye regler. Udvidelsen af sammenligningskravet til at omfatte alle 27 lande i EU kan få en markant effekt på den danske eksport, da variationen i nationale særregler på tværs af EU mindskes betragteligt.¹⁰

With a view to reducing the number of purely Danish rules, the Danish government set up the 'Task Force for the Internal Market' (TIM) in 2004. Over the last couple of years, TIM has reviewed around 400 Danish legislative acts, identifying barriers in 154 of those acts which may be contrary to the principles of the Internal Market. For this reason, 133 legislative acts will be amended. Following a dialogue with relevant authorities, it was concluded that a removal of the remaining barriers would not be possible having regard to special national considerations.⁸

With TIM, Denmark has made some progress in its efforts to remove inexpedient requirements from existing rules, thereby opening the Danish market to increased competition. The challenge that now remains is to ensure that new and revised rules are designed so as to distort Internal Market trade as little as possible while at the same time safeguarding the effective protection of consumers, workers and the environment.

The Government therefore introduces a comparison requirement that must be observed when Danish authorities wish to implement new national rules or revise existing rules on goods and services. In future, the authorities must examine whether other EU Member States have equivalent rules and, if relevant, imitate such rules when designing the Danish rules or state the reasons for any deviations. The purpose is to create the largest possible degree of convergence between Danish and foreign rules to expand the market for products manufactured in Denmark while maintaining a high level of protection.

By imitating equivalent regulations in, for example, Sweden or Great Britain in connection with the preparation of Danish technical regulations, Denmark will obtain less variation between the rules governing neighbouring markets. This will benefit both Danish and foreign businesses. Comparison with other countries will improve the competitiveness of Danish businesses and facilitate better legislation by providing an improved basis for finding solutions to mutual problems.⁹

The introduction of a Danish comparison requirement will be followed up by an active Danish effort to introduce a similar requirement on the EU level. It will be a matter of priority to the Government that a general European comparison requirement be adopted that applies to all national authorities when they intend to introduce new rules. An expansion of the comparison requirement to cover all 27 EU Member States may have a notable effect on Danish exports as the variation between national special rules across the European Union will be reduced considerably.¹⁰

INITIATIV 1: MERE ENSARTEDE NATIONALE REGLER

Der indføres et sammenligningskrav, som pålægger danske myndigheder at sammenligne med regulering i udlandet, når de indfører nye nationale regler. Konkret skal myndighederne:

- Afdække hvordan mindst 3 andre EU lande har valgt at regulere et tilsvarende produkt eller serviceydelse eller et aspekt ved et produkt eller en serviceydelse.
- Beskrive hvordan myndigheden har taget disse alternative reguleringsmodeller i betragtning og eventuelt har udformet reglen, så den lægger sig op ad udenlandske løsninger
- Forklare hvorfor myndigheden eventuelt har valgt ikke at lægge sig op ad en udenlandsk løsning, og hvilke særlige hensyn der gør sig gældende i en dansk kontekst

Det er regeringens ambition at få vedtaget et generelt sammenligningskrav i hele EU i forbindelse med revision af direktiv 98/34 (informationsproceduredirektivet).

INITIATIVE 1: MORE UNIFORM NATIONAL RULES

A comparison requirement will be introduced which orders Danish authorities to compare with the regulations of other countries when introducing new national rules. More specifically, the authorities must:

- Examine the way in which at least three other EU Member States have opted to regulate a similar product or service or an aspect of a product or a service.
- Describe how the relevant authority has taken such alternative regulation models into consideration and, if relevant, how it has designed the rule to imitate the foreign models.
- Explain why the authority has opted not to imitate the foreign models, if that is the case, and what special considerations apply in a Danish context.

It is the Government's ambition that a general comparison requirement be adopted for the entire European Union in connection with the revision of Directive 98/34/EC (the Notification Procedure Directive).

2.2 YDERLIGERE MARKEDSÅBNING PÅ SERVICEOMRÅDET

Servicesektoren udgør et andet stort område med potentiale for yderligere markedsåbninger i EU's indre marked. Serviceområdet udgør over 70 % af den europæiske økonomi, men handlen med serviceydelser på tværs af grænserne i EU udgør blot 20 % af den samlede handel. "Dette skyldes til dels, at en række services ikke i samme omfang som varer kan handles over grænserne. Visse services udføres således "på stedet", fx frisører. Analyser viser dog, at samhandlen med serviceydelser i EU stadig er mindre, end man kan forvente. "Der er derfor et stort uudnyttet potentiale ved yderligere markedsåbning på serviceområdet. Kommissionen vurderer, at et helt frit marked for services vil bidrage med 1,8 % af BNP i EU svarende til 2,5 mio. jobs.¹³

I 2006 tog EU et første skridt i retning af at styrke handlen med services med vedtagelsen af servicedirektivet. Direktivet skal forbedre mulighederne for etablering af serviceydere i andre medlemsstater samt levering af serviceydelser på tværs af grænserne og derved bidrage til at skabe et reelt indre marked for services. I medfør af direktivet har alle EU-lande bl.a. gennemgået deres lovgivning for at fjerne ulovlige barrierer for handel med serviceydelser. I løbet af 2010 skal medlemslandene vurdere hinandens implementering af direktivet med henblik på at sikre, at alle ulovlige barrierer reelt er blevet fjernet.

Med servicedirektivet er grundstenen således lagt for at realisere et egentligt indre marked for services i EU. Men der vil fortsat eksistere barrierer for serviceydernes frie bevægelighed i EU. En lang række nationale regler påvirkes ikke af servicedirektivet, hvilket indebærer, at medlemslandene fortsat vil have forskellig regulering af en række serviceydelser. Her til kommer, at en del serviceydelser, helt eller delvist er undtaget fra servicedirektivet. Det gælder fx transport-, sociale- og finansielle services og netværksservices som el-, gas- og vand-

2.2 FURTHER OPENING OF THE SERVICES MARKET

The services sector is another important field with additional market opening potential within the European Internal Market. The services field accounts for 70 per cent of the European economy, but cross-border trade in services within the European Union only accounts for 20 per cent of total trade. "This is partly due to the fact that it is not possible to trade a number of services across borders to the same extent as goods. Certain services are thus provided 'on site', for example by hairdressers. However, analyses show that the trade in services in the European Union is still lower than what could be expected. "Further opening of the market for services thus possesses a major unexploited potential. According to an assessment made by the Commission, a completely free market for services would contribute with 1.8 per cent of European GDP, corresponding to 2.5 million jobs.¹³

In 2006, the European Union took the first step towards strengthening the trade in services by adopting the Services Directive. The aim of the Directive is to make it easier for service providers to set up business in other Member States and to provide services across borders, thereby contributing to the creation of a proper Internal Market for services. Pursuant to the Directive, all EU Member States have reviewed their national legislation, etc., to identify and remove illegal barriers to the trade in services. During 2010, all Member States must assess the other States' implementation of the Directive to make sure that all illegal barriers have actually been removed.

The Services Directive is thus the foundation stone of the realisation of a proper Internal Market for services in the European Union. However, barriers to the free movement of services in the European Union will still remain. A large number of national rules are not affected by the Services

distribution. For at udnytte mulighederne for virksomheder og forbrugere, der findes i et indre marked for services, er der fortsat brug for en indsats.

Den fremtidige indsats på serviceområdet skal ikke nødvendigvis ske i form af et nyt horisontalt servicedirektiv. I stedet vil regeringen arbejde for en målrettet indsats, der bygger videre på servicedirektivets basis. Der skal sættes ind med yderligere markedsåbning og forenkling af regler og krav på de områder, hvor effekten vurderes at være størst for samhandelen i EU. Midlerne til at fremme samhandel med services i EU kan enten være yderligere sektorvis harmonisering, men det kan også være anvendelse af frivillige standarder for udvalgte services eller bedre håndhævelse og information om eksisterende regler.

INITIATIV 2: YDERLIGERE MARKEDSÅBNING PÅ SERVICEOMRÅDET

Med henblik på at fremme samhandel med serviceydelser i EU - og dermed skabe et reelt indre marked for services - vil regeringen udvikle et analytisk grundlag for udpegning af yderligere markedsåbninger i servicesektoren. Det kan fx ske gennem sektorvis harmonisering, udvikling af standarder på udvalgte serviceområder, hvor yderligere markedsåbninger ventes at give størst samfundsmæssig gevinst eller bedre håndhævelse og mere information om eksisterende regler.

Directive, which implies that a number of services will still be regulated by different rules in the various Member States. Moreover, a fair number of services are exempted from the Services Directive, in full or in part. This applies to transport, social and financial services and network services such as power, gas and water supply, etc. Work still needs to be done to exploit the opportunities for businesses and consumers inherent in the Internal Market for services.

Future efforts in the services field will not necessarily have to manifest themselves in a new horizontal Services Directive. Instead, the Government will focus on targeted efforts that build upon the foundation laid by the Services Directive. This includes further opening of markets and simplification of rules and requirements in fields which are estimated to have the largest effect on intra-European trade. The means to promote trade in services in the European Union could be either in the form of further harmonisation by sector, by the use of voluntary standards for selected services or by improved enforcement of and information about existing rules.

INITIATIVE 2: FURTHER OPENING OF THE SERVICES MARKET

With a view to promoting trade in services in the European Union - thereby creating a proper Internal Market for services - the Government intends to develop an analytical basis for the identification of additional market opening potential in the services sector. Some of the means to obtain this could be in the form of harmonisation by sector, development of standards in selected services fields in which further market openings are expected to have the largest positive economic impact or through improved enforcement of and information about existing rules.

2.3 INNOVATIONSDRIVENDE REGULERING I EU

Med gennemførelsen af EU's indre marked er der vedtaget harmoniserede EU-regler på en lang række områder. Reglerne medvirker til at fremme samhandelen i EU og samtidig sikre effektiv beskyttelse af forbrugere, arbejdstagere og miljø. Omfanget af EU-regulering betyder imidlertid, at et produkt ofte vil skulle overholde en række direktiver for at kunne markedsføres lovligt i EU. Det skaber problemer for virksomhederne, fordi der imellem direktiverne er store forskelle i centrale definitioner, krav til producenter og importører, mærkningskrav m.v. Dette skaber uklarhed omkring fortolkning af direktiverne, manglende sammenhæng og generelt betydelige administrative byrder for virksomhederne.

Som producent af eksempelvis fjernsyn skal man forholde sig til mindst 8 forskellige EU-direktiver med forskellige definitioner m.v., jf. boks 1. Det er derfor svært for både myndigheder og virksomheder at skabe klarhed over kravene. Resultatet bliver forskellige fortolkninger og manglende sammenhæng.

2.3 EU REGULATION TO DRIVE INNOVATION

With the implementation of the European Internal Market, harmonised EU rules governing a large number of fields have been adopted. The rules support the promotion of trade in the European Union while safeguarding the effective protection of consumers, workers and the environment. However, the scope of EU regulation means that a product must often comply with a number of directives to be marketed lawfully in the European Union. This causes problems for businesses because of the wide differences in key definitions and manufacturer, importer and labelling requirements, etc., between the different directives. This causes confusion about the interpretation of the directives, inconsistency and a significant administrative burden in general for businesses.

To give an example, manufacturers of televisions must relate to at least eight different EU directives with different definitions, etc., see Box 1. It is therefore difficult for authorities and businesses to bring clarity to the requirements. The outcome is differing interpretations and inconsistency.

Boks 1: En vare skal overholde mindst 8 forskellige direktiver¹⁴

ÉT FJERNSYN SKAL OVERHOLDE KRAVENE I FØLGENDE 8 DIREKTIVER:

- WEEE direktivet (miljørigtig affaldshåndtering)
- EUP-direktivet (miljørigtigt design af energiforbrugende produkter)
- RoHS-direktivet (reduktion af tungmetaller i elektronikprodukter)
- REACH-forordningen (anvendelse af kemikalier)
- Lavspændingsdirektivet (elektrisk spænding)
- EMC-direktivet (elektromagnetisk kompatibilitet)
- Arbejds miljødirektivet
- Emballagedirektivet

Box 1: The same product must comply with at least eight different directives¹⁴

THE SAME TELEVISION MUST COMPLY WITH THE REQUIREMENTS OF THE FOLLOWING EIGHT DIRECTIVES:

- The WEEE Directive (environmentally friendly management of waste electrical and electronic equipment)
- The EUP Directive (eco-design of energy-related products)
- The RoHS Directive (restriction of the use of heavy metals in electrical and electronic equipment)
- The REACH Regulation (use of chemicals)
- The Low Voltage Directive (electrical voltage)
- The EMC Directive (electro-magnetic compatibility)
- The Directive on the safety and health at work
- The Packaging Directive

For at imødegå dette problem vedtog Europa-Parlamentet og Rådet i 2008 en afgørelse, der sætter rammerne for fremtidig lovgivning i relation til markedsføring af produkter i EU.¹⁵ Formålet med afgørelsen er at strømline EU-lovgivningen, så det bliver nemmere for virksomheder at forstå og forholde sig til EU-lovgivningen. Konkret betyder afgørelsen, at centrale begreber og procedurer defineres på samme måde på tværs af direktiver og forordninger. Det drejer sig bl.a. om ansvarsfordeling mellem producenter, importører og distributører og krav til testlaboratorier, der certificerer produkter inden markedsføring.

Derudover fastslår afgørelsen, at den såkaldte "ny metode" skal anvendes som reguleringsform i fremtidig lovgivning. Den ny metode indebærer, at lovgiverne kun fastsætter de væsentlige krav til et produkt i lovgivningen, mens de tekniske krav præciseres i harmoniserede europæiske standarder, der udvikles med inddragelse af virksomheder, forbrugere, myndigheder og andre interessenter.

Udgangspunktet om anvendelse af den ny metode kan dog fraviges, hvis det for at sikre tilstrækkelig beskyttelse af forbrugerne, den offentlige sundhed og miljøet eller andre offentlige interesser ikke er muligt eller hensigtsmæssigt at anvende væsentlige krav. I så fald kan der i den pågældende harmoniseringslovgivning fastsættes detaljerede specifikationer.

Den ny metode er den mest effektive tilgang til at sikre, at EU-regulering omsættes i innovative løsninger hos virksomhederne. Med den ny metode er det kun de væsentlige krav, der fastsættes i lovgivningen. Det kunne fx være krav om, at en maskine skal være sikker. Det overlades derpå til virksomhederne at vælge, hvilke tekniske løsninger man ønsker at anvende for at overholde de væsentlige krav. Herudover fastsætter standarderne oftest krav til produkternes ydelse frem for krav til produktets sammensætning, hvilket giver rum for konkurrence mellem forskellige produkter og tekniske løsninger. Dette fremmer igen virksomhedernes innovation. Endelig giver den ny metode mulighed for et hurtigere optag

To address this problem, the European Parliament and the Council adopted a decision in 2008 that provides the framework for future legislation on the marketing of products in the European Union.¹⁵ The objective of the decision is to streamline EU legislation to make it easier for businesses to understand and relate to the EU legislation. More specifically, the decision means that the definition of key concepts and procedures must be the same in all relevant directives and regulations. This applies, inter alia, to the division of responsibility between manufacturers, importers and distributors and requirements of test laboratories which certify products before they are marketed.

The decision also establishes that the so-called 'new approach' must be the instrument applied in future legislation. The new approach implies that only the essential product requirements are laid down by legislators while the technical requirements are specified by harmonised European standards developed in collaboration with businesses, consumers, authorities and other stakeholders.

However, the general rule on application of the new approach may be deviated from if the safeguarding of adequate protection of consumers, public health and the environment or other public interests make it impossible or inexpedient to apply essential requirements. In that case, detailed specifications may be laid down in the relevant harmonised legislation.

The new approach is the most effective way to ensure that EU rules are translated into innovative solutions by businesses. With the new approach, only the essential requirements are laid down by legislation. One example could be that a machine must be safe to use. It is then for the businesses to decide which technical solutions they want to use to comply with the essential requirements. Moreover, the standards often lay down product performance requirements rather than product composition requirements, thereby providing room for competition between different products and technical solutions. This again promotes business innovation. Finally, the new approach facilitates faster authorisation

af innovative løsninger, eftersom det typisk er hurtigere og nemmere at revidere en standard end et direktiv eller forordning.

Regeringen vil arbejde for, at principperne i afgørelsen skal lægges til grund i alle de tilfælde, hvor det er hensigtsmæssigt, når EU-lovgivning præsenteres eller revideres fremover. Dette er allerede tilfældet i forbindelse med revision af reglerne for legetøj, maskiner og byggevarer, som forhandles på EU-niveau i disse år.

INITIATIV 3: SIMPLERE OG MERE ENSARTET LOVGIVNING I EU

Regeringen vil i forhandling af al EU-produktlovgivning konsekvent tage udgangspunkt i principperne i afgørelsen om fælles rammer for markedsføring af produkter. Der kan kun afviges herfra, hvis særlige hensyn fx i forhold til beskyttelse af forbrugere, arbejdstagere og miljø taler for det.

Formålet er at strømline EU-lovgivningen for at mindske de administrative byrder for virksomhederne samt at understøtte virksomhedernes innovation gennem reguleringen.

of innovative solutions as it is typically faster and easier to revise a standard than a directive or regulation.

The Government will work to make the principles of the decision form the basis in all appropriate cases in connection with the presentation or revision of EU rules in future. This is already the case in connection with the revision of the rules on toys, machines and construction materials that are being negotiated on the EU level these years.

INITIATIVE 3: SIMPLER AND MORE UNIFORM EU RULES

The Government intends to consistently apply the principles of the decision on a common framework for the marketing of products as its point of departure in connection with the negotiation of all EU product legislation. This principle may only be deviated from if special considerations, for example related to the protection of consumers, workers and the environment, make it appropriate.

The purpose is to streamline EU legislation to reduce the administrative burdens of businesses and to support business innovation through regulation.

2.4 FORTSAT EFFEKTIV IMPLEMENTERING AF EU-LOVGIVNING

Der er bred enighed om, at et velfungerende indre marked i EU er afgørende for vækst og beskæftigelse i Danmark. Den danske nationale EU-koordinationsproces fremmer høring af alle interessenter og tidlig inddragelse af Folketinget i forbindelse med forhandling af ny EU-lovgivning. Dette sikrer effektiv politisk forankring af dansk interessevaretagelse i EU.

Selve implementeringsprocessen er imidlertid ikke en del af den danske EU-koordinationsproces i dag. Medlemsstaternes evne til at implementere EU-lovgivning rettidigt og korrekt er imidlertid afgørende for, at det indre marked fungerer. Forsinkel eller ukorrekt implementering udgør en handelshindring for virksomheder, der opererer i det indre marked.

Danmark har i mange år været førende i EU med hensyn til at implementere EU-lovgivning til tiden, jf. figur 4.

2.4 CONTINUED EFFECTIVE IMPLEMENTATION OF EU LEGISLATION

It is widely agreed that a well-functioning European Internal Market is of decisive importance to growth and employment in Denmark. The Danish national EU policy coordination procedure promotes the consultation of all stakeholders and involvement of the Folketing (the Danish Parliament) early in the process in connection with the negotiation of new EU rules. This ensures effective political support for the safeguarding of Danish interests in the European Union.

However, the actual implementation procedure is not part of the Danish EU policy coordination procedure today. The timely and correct implementation of EU legislation by Member States is, however, of decisive importance to a well-functioning Internal Market. Late or incorrect implementation constitutes a trade barrier to businesses operating in the Internal Market.

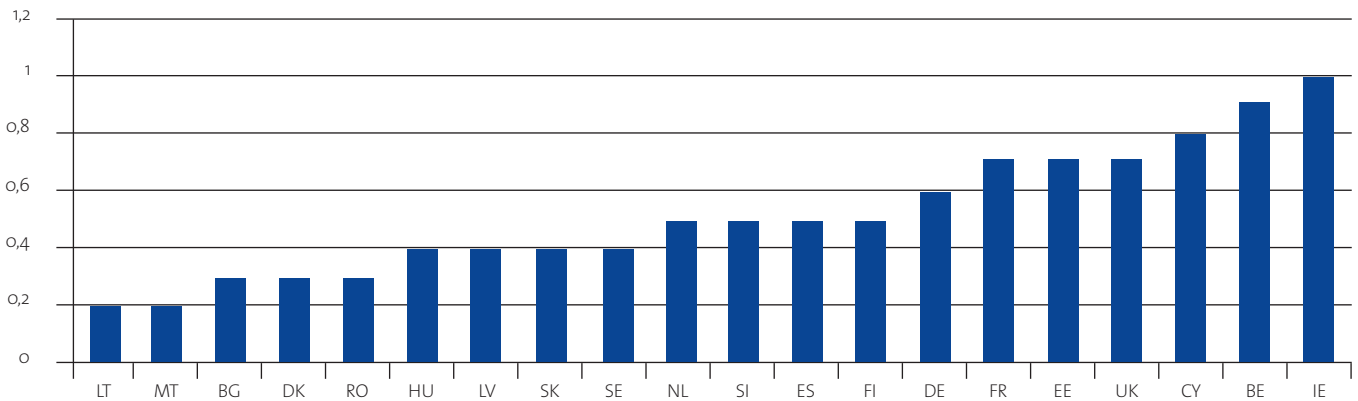
For many years, Denmark has been one of the leading countries in respect of timely implementation of EU legislation, see Figure 4.

Figur 4: Resultattavlen for det indre marked, december 2009. Andel direktiver, der ikke er implementeret til tiden for lande, der overholder EU's mål om, at implementeringsunderskuddet max. må udgøre 1%.

Kilde: Kommissionen

Figure 4: Internal Market Scoreboard, December 2009. Proportion of directives not implemented in due time in countries which satisfy the European transposition deficit of 1 per cent.

Source: The Commission



Denne position skal fastholdes. For at sikre fortsat fokus på effektiv implementering af EU-lovgivning i Danmark og for at sikre en stærk politisk forankring af implementeringen vil Folketingets Europaudvalg fremover blive orienteret om Danmarks placering på EU's resultattavle over medlemslandenes implementering af EU-lovgivningen.¹⁶

Derudover informeres udvalget om antallet af nye nationale regler fra Danmark og de øvrige medlemslande. Regeringen finder endvidere, at EU's resultattavle med fordel kan indeholde oplysninger vedrørende princippet om gensidig anerkendelse og oplysninger om markedsovervågning.¹⁷

This position must be maintained. In future, in order to maintain focus on the effective implementation of EU legislation in Denmark and to ensure strong political support for the implementation, the European Affairs Committee of the Folketing will be notified about Denmark's position on the EU Scoreboard of the implementation of EU legislation by Member States.¹⁶

In addition, the Committee will be notified about the number of new national rules from Denmark and the other Member States. The Government further finds that the EU Scoreboard could well include information concerning the principle of mutual recognition and information about market surveillance.¹⁷

INITIATIV 4: EFFEKTIV IMPLEMENTERING AF EU-REGLER I DANMARK

Kommissionen offentliggør sin resultattavle for det indre marked to gange om året. Resultattavlen viser bl.a. medlemslandenes evne til at implementere EU-lovgivning til tiden.

Fremover vil Økonomi- og Erhvervsministeriet orientere Folketingets Europaudvalg om Danmarks placering på resultattavlen umiddelbart efter offentliggørelsen.

INITIATIVE 4: EFFECTIVE IMPLEMENTATION OF EU RULES IN DENMARK

The Commission publishes a Scoreboard for the Internal Market twice a year. The Scoreboard shows the ability of the Member States to implement EU rules in due time.

In future, the Danish Ministry of Economic and Business Affairs will notify the European Affairs Committee of the Folketing about Denmark's position on the Scoreboard immediately after publication.

3 INFORMATION OM REGLER I DET INDRE MARKED

INFORMATION ABOUT INTERNAL MARKET RULES

Selvom yderligere initiativer er nødvendige, jf. kapitel 2, så er det indre marked efterhånden ganske veludviklet, når det gælder harmonisering af regler på tværs af medlemslandene. En række undersøgelser viser imidlertid, at forbrugere og virksomheder kun i begrænset omfang kender relevante regler, rettigheder og principper i det indre marked. Derudover anvender nationale myndigheder ikke altid EU-reglerne korrekt.

En undersøgelse fra 2006 viser, at kun 3 ud af 10 danskere føler, at de har meget godt eller godt kendskab til deres rettigheder i det indre marked, hvilket er mindre end i vores nabolande, jf. figur 5.¹⁸

Figur 5: Kendskab til rettigheder i det indre marked. Danmark, Sverige og Nederlandene.

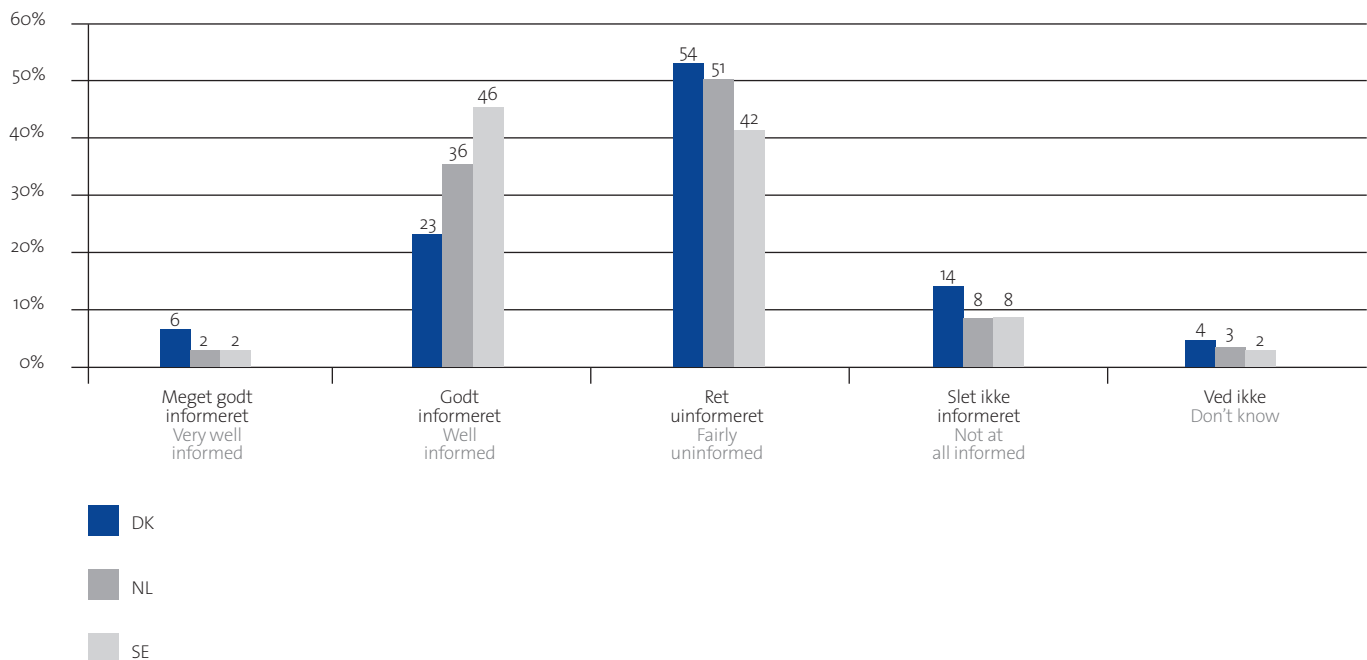
Kilde: Kommissionen

Although further initiatives are still necessary, see chapter 2, the Internal Market has now become very well-developed in terms of harmonisation of rules across Member States. However, various surveys show that consumers and businesses only have limited knowledge of the relevant rules, rights and principles in the Internal Market. Moreover, national authorities do not always apply the EU rules correctly.

A 2006 survey shows that only three in ten Danes feel that they have very good or good knowledge about their rights in the Internal Market, which is fewer than in our neighbouring countries, see Figure 5.¹⁸

Figure 5: Knowledge of rights in the Internal Market. Denmark, Sweden and the Netherlands

Source: The Commission



I en svensk undersøgelse fra 2005 peger 8 ud af 10 svenske virksomheder på, at de enten helt mangler eller har et meget begrænset kendskab til egne rettigheder i det indre marked.¹⁹ Tilsvarende erkender 8 ud af 10 svenske myndigheder, at de har begrænset eller ingen viden om EU-reglerne på deres område.²⁰

Disse forhold gør, at forbrugere og virksomheder ikke fuldt ud nyder godt af de fordele, der er forbundet med EU's indre marked. Der er derfor behov for, at hver enkelt medlemsstat påtager sig et ansvar for at sikre, at det indre marked også fungerer i praksis, således at borgere og virksomheder kan nyde godt af fordelene ved det indre marked. I partnerskab med Kommissionen bør de nationale myndigheder arbejde for at oplyse om reglerne i det indre marked og fremme korrekt anvendelse heraf. Kun ved en koordineret indsats på EU- og nationalt niveau kan gevinsterne ved det indre marked realiseres fuldt ud.

For at sikre, at danske virksomheder og forbrugere kan agere problemfrit i det indre marked, vil regeringen igangsætte en række initiativer, der vil:

- Styrke information om reglerne i det indre marked
- Lette adgang til problemløsning
- Fremme korrekt national håndhævelse af EU-reglerne.

3.1 STATENS INDRE MARKEDS CENTER

Udviklingen af det indre marked har skabt store fordele for både virksomheder og forbrugere i form af forbedrede eksportmuligheder, øget konkurrence, større produktudvalg og lavere priser. Der er imidlertid fortsat et uudnyttet potentiale i det indre marked. En lang række erhvervsdrivende møder fortsat hindringer for varernes frie bevægelighed, ligesom blot 25 % af forbrugerne handler over grænserne i EU.

Dette skyldes i høj grad, at både virksomheder og forbrugere har et utilstrækkeligt kendskab til deres muligheder og rettigheder i det indre marked. Derudover peger undersøgelser på, at der også hos visse myndigheder kan være brug for øget kendskab til fællesskabsretten.²¹ Problemet omfang kan illustreres ved, at hele 28 % af virksomhederne støder på barrierer, når de forsøger at sælge varer på tværs af EU, mens kun 4 % af virksomhederne vælger at klage til myndighederne og forsøger at bekæmpe barriererne. Langt størstedelen af virksomhederne vælger i stedet enten at tilpasse varen til de særlige nationale regler eller opgiver markedet, jf. figur 6.²²

According to a Swedish survey from 2005, eight in ten Swedish businesses indicate that they have no knowledge at all or only very limited knowledge of their rights in the Internal Market.¹⁹ Correspondingly, eight in ten Swedish authorities admit that they have limited or no knowledge about the EU rules in their field.²⁰

This implies that consumers and businesses do not fully enjoy the advantages offered by the European Internal Market. It is therefore necessary that all Member States assume a shared responsibility that the Internal Market works in practice to enable citizens and businesses to enjoy the advantages of the Internal Market. National authorities ought to work together with the Commission to improve information about Internal Market rules and to promote the correct application thereof. The benefits of the Internal Market can only be realised in full through coordinated European and national efforts.

To avoid encountering problems when Danish businesses and consumers act in the Internal Market, the Government will launch various initiatives to:

- Improve information about Internal Market rules
- Provide easier access to problem solving
- Advance correct national enforcement of EU rules.

3.1 THE INTERNAL MARKET CENTRE OF THE DANISH STATE

The development of the Internal Market has created major benefits for businesses as well as consumers in the form of improved export opportunities, increased competition, more products on the market and lower prices. However, the Internal Market still has unexploited potential. Many traders still face obstacles to the free movement of goods, and only 25 per cent of consumers make cross-border transactions in the European Union.

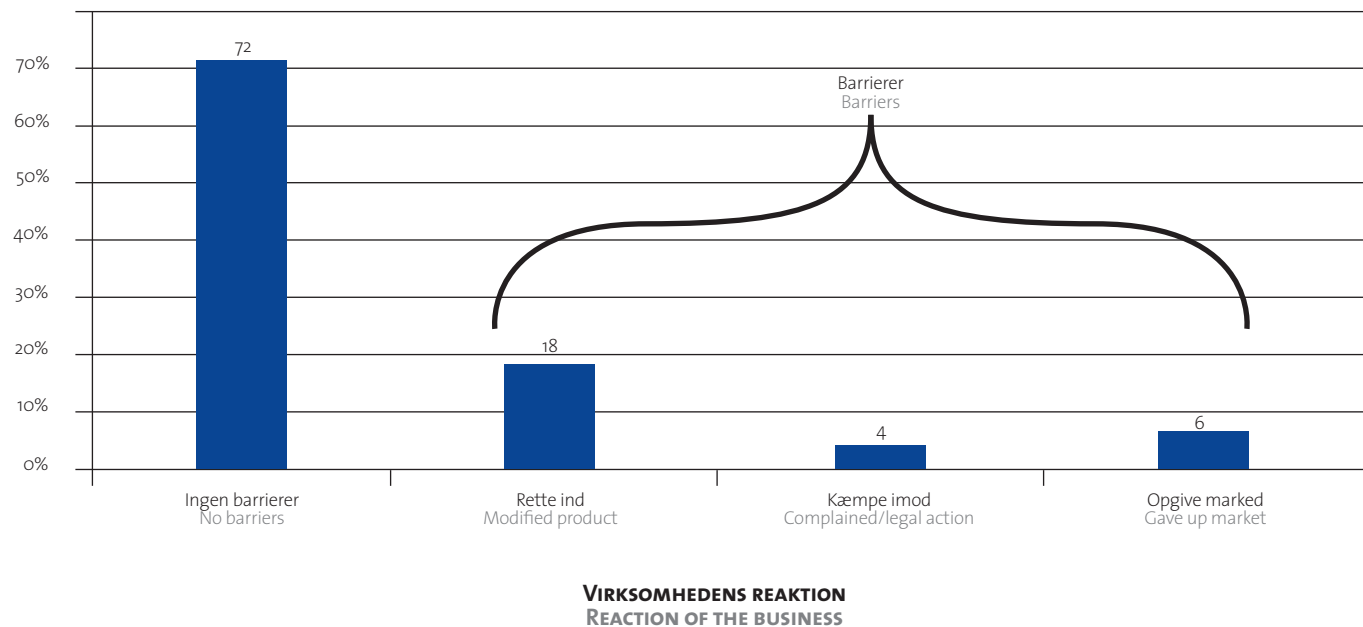
To a large extent, this is due to the fact that businesses as well as consumers have insufficient knowledge of their opportunities and rights in the Internal Market. In addition, surveys indicate that some authorities may also need more knowledge of Community law.²¹ To illustrate the scope of the problem, as much as 28 per cent of businesses meet barriers when they try to sell goods across borders in the European Union, while only 4 per cent of the businesses choose to complain to the authorities and try to overcome the barriers. Instead, the majority of businesses opt to modify the product to comply with the special national rules or give up the market, see Figure 6.²²

Figur 6: Virksomhedernes reaktion når de møder barrierer

Kilde: Kommissionen, Dansk Industri og Copenhagen Economics.

Figure 6: Businesses' reactions to trade barriers

Source: The Commission, the Confederation of Danish Industry and Copenhagen Economics



Med henblik på at øge virksomheders og forbrugeres viden om regler og rettigheder i det indre marked er der gennem de senere år i alle medlemslande etableret en række kontaktpunkter, som skal oplyse og vejlede forbrugere og virksomheder om EU. Der er dog generelt ringe kendskab til kontaktpunkterne og ansvarsfordelingen mellem dem. 73 % af danskerne har ikke hørt om et eneste af kontaktpunkterne, jf. tabel 2.²³

A number of contact points have been established in all EU Member States in recent years for the purpose of increasing business and consumer knowledge about rules and rights in the Internal Market. The contact points provide information and guidance to consumers and businesses about the European Union. However, awareness of the contact points and their division of responsibility is generally poor. 73 per cent of the Danes have not heard about one single contact point, see Table 2.²³

Tabel 2: Danskernes kendskab til kontaktpunkterne

Table 2: Danes' awareness of contact points

KONTAKTPUNKT CONTACT POINT	HAR HØRT OM KONTAKTPUNKTET HEARD ABOUT THE POINT OF CONTACT	EU GENNEMSNIIT EU AVERAGE
<p>Your Europe Kommissionens informationstjeneste som oplyser om borgers og virksomheders rettigheder og muligheder i det indre marked. Your Europe The information service of the Commission providing information to citizens and businesses about their rights and opportunities in the Internal Market.</p>	3%	4%
<p>SOLVIT Uformelt problemløsningsnetværk som hjælper virksomheder og borgere, der støder på hindringer i det indre marked. SOLVIT Informal problem solving network assisting businesses and citizens who encounter obstacles in the Internal Market.</p>	1%	2%
<p>FIN-NET Uformelt klagenetværk i spørgsmål vedrørende finansielle tjenesteydelser på tværs af medlemslande. FIN-NET Informal dispute resolution network relating to financial services across Member States.</p>	2%	2%
<p>Europe Direct Fælleseuropæisk tjeneste som besvarer generelle spørgsmål om EU samt henviser til kilder for yderligere information. Europe Direct Joint European service giving replies to general inquiries about EU matters and about where to obtain additional information.</p>	12%	6%
<p>Forbruger Europa Generel rådgivning om forbrugerrettigheder og klagevejledning ved konkrete forbrugerhenvendelser. European Consumer Centre Denmark European information centre providing general advice about consumer rights and complaints procedures in connection with specific consumer inquiries.</p>	8%	11%

Konsekvensen af det ringe kendskab til kontaktpunkterne er, at virksomheder og forbrugere ikke får den hjælp, de har brug for, og at mange henvendelser ender hos den forkerte myndighed. Dette mindsker samhandelen i det indre marked til skade for konkurrence, vækst og beskæftigelse i Danmark og EU generelt.

The consequence of the poor awareness of the contact points is that businesses and consumers do not get the help they need and that many inquiries are made to the wrong authorities. This reduces Internal Market trade to the detriment of competition, growth and employment in Denmark and the European Union in general.

*Boks 2: Problemløsning gennem SOLVIT-netværket***EKSEMPEL PÅ EN HANDELSBARRIERE DER BLEV HÅNDBERET GJENNEM SOLVIT**

En dansk virksomhed, som bl.a. sælger forskellige tekstilvarer fra detailforretninger i Ungarn, blev mødt med en række mærkningskrav, som lå ud over kravene i det relevante EU-direktiv.

De ungarske myndigheder henholdt sig imidlertid til den ungarske forbrugerbeskyttelseslov, som bl.a. stiller meget specifikke mærkningskrav vedr. importør, oprindelsesland, renholdelse m.v. samt krav om, at alle oplysninger skulle være på ungarsk. Da virksomhedens tekstilvarer ikke opfyldte alle disse krav, udstedte myndighederne i Ungarn en række bøder og nedlagde salgsforbud, indtil virksomheden opfyldte kravene.

SOLVIT Danmark gjorde opmærksom på, at de mange specifikke krav lå ud over kravene i EU-direktivet og heller ikke havde hjemmel i anden gældende EU-lovgivning. Desuden henlede SOLVIT Danmark opmærksomheden på traktatens artikel 28 og 30 (nu TEUF artikel 34 og 36) og princippet om gensidig anerkendelse.

På den baggrund erkendte myndighederne i Ungarn, at den nationale lovgivning var i strid med EU-retten, og lovgivningen blev ændret pr. 1. september 2008. Den danske virksomhed sælger nu sine varer i Ungarn uden problemer.

*Box 2: Problem solving through the SOLVIT network***EXAMPLE OF A TRADE BARRIER ISSUE HANDLED THROUGH THE SOLVIT NETWORK**

A Danish business which sells different textile goods from retail shops in Hungary encountered a number of labelling requirements in addition to the requirements stipulated by the relevant EU directive.

The Hungarian authorities, however, relied on the Hungarian consumer protection act, which stipulates very strict labelling requirements relating to the importer, country of origin, cleaning, etc., and a requirement that all information must be in Hungarian. Because the textile goods of the business did not satisfy all these requirements, the Hungarian authorities issued a number of fines and a preliminary ban on sales until the business satisfied the requirements.

SOLVIT Denmark drew attention to the fact that the many specific requirements were not part of the requirements of the EU directive and had no legal basis pursuant to any other EU legislation. Moreover, SOLVIT Denmark drew attention to Articles 28 and 30 of the Treaty (now article 34 and 36 of the Treaty on the Functioning of the European Union) and to the principle of mutual recognition.

Against that background, the Hungarian authorities acknowledged that their national legislation was contrary to EU law and amended the act on 1 September 2008. The Danish business now sells its goods in Hungary without problems.

For at forbedre virksomhedernes adgang til viden om og problemløsning i det indre marked har regeringen etableret et Indre Markeds Center. Indre Markeds Centret arbejder proaktivt for, at EU-reglerne implementeres og håndhæves korrekt i Danmark og andre EU-lande. Dette sker primært gennem rådgivning og vejledning af virksomheder og myndigheder om anvendelse af de grundlæggende principper i EU's indre marked for varer og services. Indre Markeds Centret tilbyder endvidere problemløsning for virksomheder, der møder barrierer i andre EU-lande gennem SOLVIT-systemet samt oplysning om danske og udenlandske regler for varer og services via produktkontaktpunktet og kvikskranken for serviceydere.

Indre Markeds Centret har også til formål fortsat at udvikle det indre marked. Dette sker gennem forhandling og implementering af tværgående indre markedslovgivning, som det har været tilfældet med servicedirektivet og den såkaldte "varepakke".²⁴ Det sker også gennem analyseprojekter og policyinitiativer, som fokuserer på at styrke det indre marked i Danmark og EU.

Endelig skal Indre Markeds Centret sikre et tættere samarbejde mellem danske kontaktpunkter, der har til formål at hjælpe danske virksomheder med at agere i det indre marked. Etableringen af indre markeds koordinationsfunktioner er nævnt som et eksempel på god praksis på i Kommissionens anbefalinger.²⁵

The Government has set up the Internal Market Centre to improve businesses' access to knowledge and problem solving assistance relating to the Internal Market. The Internal Market Centre works proactively for the correct implementation and enforcement of EU rules in Denmark and other EU Member States. This work mainly consists of guidance and advice to businesses and authorities about the application of the fundamental principles of the European Internal Market for goods and services. The Internal Market Centre also offers problem solving assistance through the SOLVIT network to businesses which encounter barriers in other EU Member States and information about Danish and foreign rules on goods and services through the Product Contact Point and the Single Point of Contact for service providers.

Another purpose of the Internal Market Centre is to further develop the Internal Market. This work includes the negotiation and implementation of horizontal Internal Market legislation, as was the case with the Services Directive and the so-called 'goods package'.²⁴ Other means are analysis projects and policy initiatives which focus on strengthening the Internal Market in Denmark and the European Union.

Finally, the Internal Market Centre is to work for closer collaboration between Danish contact points which help Danish businesses act in the Internal Market. In its Recommendations, the European Commission mentions the setting up of Internal Market coordination functions as a good practice example.²⁵

INITIATIV 5: STYRKELSE AF STATENS INDRE MARKEDS CENTER

Indre Markeds Centret skal styrke den overordnede og tværgående koordinering af indre markedspolitikken. Indre Markeds Centret har følgende opgaver:

- Rådgivning og vejledning af danske myndigheder i anvendelsen af de grundlæggende principper i det indre marked for varer og services
- Rådgivning og vejledning af virksomheder, som støder på problemer med handel med varer og services i det indre marked gennem SOLVIT-netværket
- Drift af en række kontaktpunkter, herunder en kvikskranke for udenlandske serviceudbydere, produktkontaktpunkt for varer samt kontaktpunkt for myndighedernes notifikationer af danske regler til Kommissionen (direktiv 98/34/EF og 2006/123/EF)
- Forhandling af tværgående indre markedslovgivning for varer og services
- Gennemførelse af analyser og udvikling af tværgående initiativer, der kan styrke det indre marked i Danmark og EU

INITIATIVE 5: STRENGTHENING OF THE INTERNAL MARKET CENTRE OF THE DANISH STATE

The purpose of the Internal Market Centre is to strengthen the overall and joint coordination of the Internal Market policy. The Internal Market Centre is responsible for:

- Providing guidance and advice to Danish authorities in relation to the application of fundamental principles in the Internal Market for goods and services
- Providing guidance and advice to businesses which have encountered problems in relation to the trade in goods and services in the Internal Market through the SOLVIT network
- Operating a number of contact points, including a one-stop shop for foreign service providers, a product contact point for goods and a contact point for authorities in connection with notifications to the Commission about Danish rules (Directives 98/34/EC and 2006/123/EC)
- Negotiating common Internal Market legislation on goods and services
- Carrying out analyses and developing joint initiatives to strengthen the Internal Market in Denmark and the European Union

3.2 BEDRE ANVENDELSE AF CE-MÆRKET

På en lang række områder, hvor der findes harmoniseret EU-lovgivning, er det obligatorisk at påføre varer et CE-mærke, inden de lovligt kan markedsføres. Undersøgelser viser imidlertid, at mange forbrugere og erhvervsdrivende misforstår betydningen af CE-mærket. En del tror fejlagtigt, at et CE-mærke indikerer, at en vare er produceret i EU, eller at den er godkendt af en offentlig myndighed.²⁶ Andre kender slet ikke til CE-mærket og anvender derfor ikke mærket og de relaterede produktionskrav korrekt, jf. figur 7.

3.2 BETTER APPLICATION OF THE CE MARKING

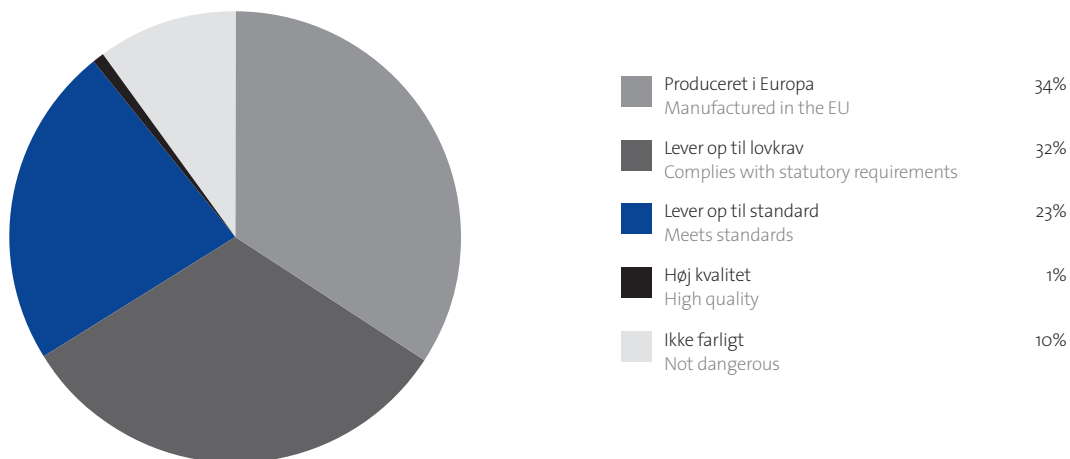
In a large number of areas regulated by harmonised EU legislation, businesses are obliged to label products with a CE marking before they can market them lawfully. However, surveys show that many consumers and traders misunderstand the meaning of the CE marking. Some erroneously think that the CE marking signifies that a product is manufactured in the European Union or that it has been approved by a public authority.²⁶ Others are not familiar with the CE marking at all and therefore apply the mark and the related product requirements incorrectly, see Figure 7.

Figur 7: Hvad betyder CE-mærket?

Kilde: Kommissionen

Figure 7: What does the CE marking mean?

Source: The Commission



I realiteten er CE-mærket producentens tilkendegivelse af, at en vare opfylder alle de gældende lovkrav til sikkerhed, sundhed og miljø m.v. I nogle tilfælde skal et uafhængigt tredjepartsorgan, fx et prøvningslaboratorium, inddrages, før fabrikanten må sætte CE-mærket på varen. I andre tilfælde kan producenten selv sætte CE-mærket på varen. Det afhænger af risikoen ved varen. CE-mærket er således producentens erklæring om, at varen lever op til EU-reglerne. CE-mærket kan ses som varens pas, der sikrer, at en vare let kan handles over grænserne i hele EU.

For at systemet fungerer, er det imidlertid afgørende, at de erhvervsdrivende kender betydningen af mærket og anvender det i overensstemmelse med reglerne. Er det ikke tilfældet, så risikerer forbrugerne i sidste ende at købe produkter, der er ulovlige og potentielt farlige.

For at sikre bedre anvendelse af CE-mærket blandt danske virksomheder iværksætter regeringen en informationsindsats rettet mod producenter, importører og distributører af varer. Indsatsen skal mindske antallet af ulovlige produkter på markedet med henblik på at sikre effektiv beskyttelse af forbrugere, arbejdstagere og miljø samt medvirke til at skabe lige konkurrencevilkår i Danmark. Informationsindsatsen målrettes erhvervsdrivende inden for de sektorer, hvor der viser sig størst problemer med korrekt forståelse og anvendelse af CE-mærket.

INITIATIV 6: BEDRE ANVENDELSE AF CE-MÆRKET

CE-mærket er producentens tilkendegivelse af, at en vare opfylder alle krav til sikkerhed, sundhed, miljø m.v., som fremgår af lovgivningen.

For at øge kendskabet til CE-mærket og sikre, at det anvendes korrekt, gennemføres en målrettet informationsindsats om CE-mærket. Indsatsen gennemføres i 2010 i samarbejde med Kommissionen.

The CE marking is in fact the manufacturer's declaration that a product meets all applicable statutory safety, health and environmental requirements, etc. In certain cases an independent third party, for example a test laboratory, must be involved before the product may be labelled with the CE marking. In other cases the manufacturer itself may label the product with the CE marking. This depends on the risk associated with the product. The CE marking is thus the manufacturer's declaration that the product complies with the EU rules. The CE marking may be regarded as the passport of the product, facilitating easy cross-border trade of the product in the entire European Union.

However, in order for the system to function, it is imperative that traders know the meaning of the mark and apply it in accordance with the rules. If that is not the case, consumers may ultimately risk purchasing products that are illegal and potentially dangerous.

As part of its efforts to improve the use of the CE marking by businesses, the Government will launch an information initiative targeted at manufacturers, importers and distributors of goods. This initiative is to reduce the number of illegal products on the market with a view to ensuring the effective protection of consumers, workers and the environment and contribute to creating equal competitive conditions in Denmark. The information initiative will be targeted at traders in the sectors where the problems of understanding and applying the CE marking correctly are the greatest.

INITIATIVE 6: BETTER APPLICATION OF THE CE MARKING

The CE marking is the manufacturer's declaration that a product meets all statutory safety, health and environmental requirements, etc.

To increase knowledge of the CE marking and ensure its correct application, the Government will launch a targeted information initiative about the CE marking. The initiative will be launched in 2010 in cooperation with the Commission.

3.3 BEDRE NATIONALT KENDESKAB TIL OG ANVENDELSE AF REGLER FOR DET INDRE MARKED

Analysen peger på, at barrierer i det indre marked i et vist omfang også opstår, fordi de nationale myndigheder ikke anvender reglerne korrekt. Det er fx tilfældet i forhold til princippet om gensidig anerkendelse af varer. Princippet indebærer, at varer, som er lovligt markedsført i en medlemsstat, som udgangspunkt lovligt kan markedsføres i hele EU, uanset hvad der måtte være af regler for den pågældende vare i den nationale lovgivning, medmindre de nationale regler falder ind under traktatens undtagelsesbestemmelser.

Princippet om gensidig anerkendelse af varer bliver eksempelvis brudt, hvis myndighederne kræver yderligere testrapporter eller stiller yderligere krav til et produkt, som allerede er lovligt markedsført i et andet land. Opgørelser viser, at hele 43 % af de sager, som Kommissionen i 2005 anlagde mod

3.3 IMPROVED NATIONAL KNOWLEDGE AND APPLICATION OF INTERNAL MARKET RULES

Analyses indicate that barriers to the Internal Market are also to a wide extent due to misapplication of the rules by the national authorities. This is the case in connection with the principle of mutual recognition of goods. The principle means that goods that are marketed lawfully in one Member State may generally be marketed lawfully in the entire European Union, regardless of any national statutory rules that may exist for the relevant product, unless such national rules fall within the exemptions of the Treaty.

For example, it would be an infringement of the principle of mutual recognition of goods if the national authorities require additional test reports to be carried out or make additional requirements of a product which is already marketed lawfully in another Member State. Surveys show that as much as 43 per

medlemsstaterne, vedrørte forkert anvendelse af princippet om gensidig anerkendelse, jf. figur 8.²⁷

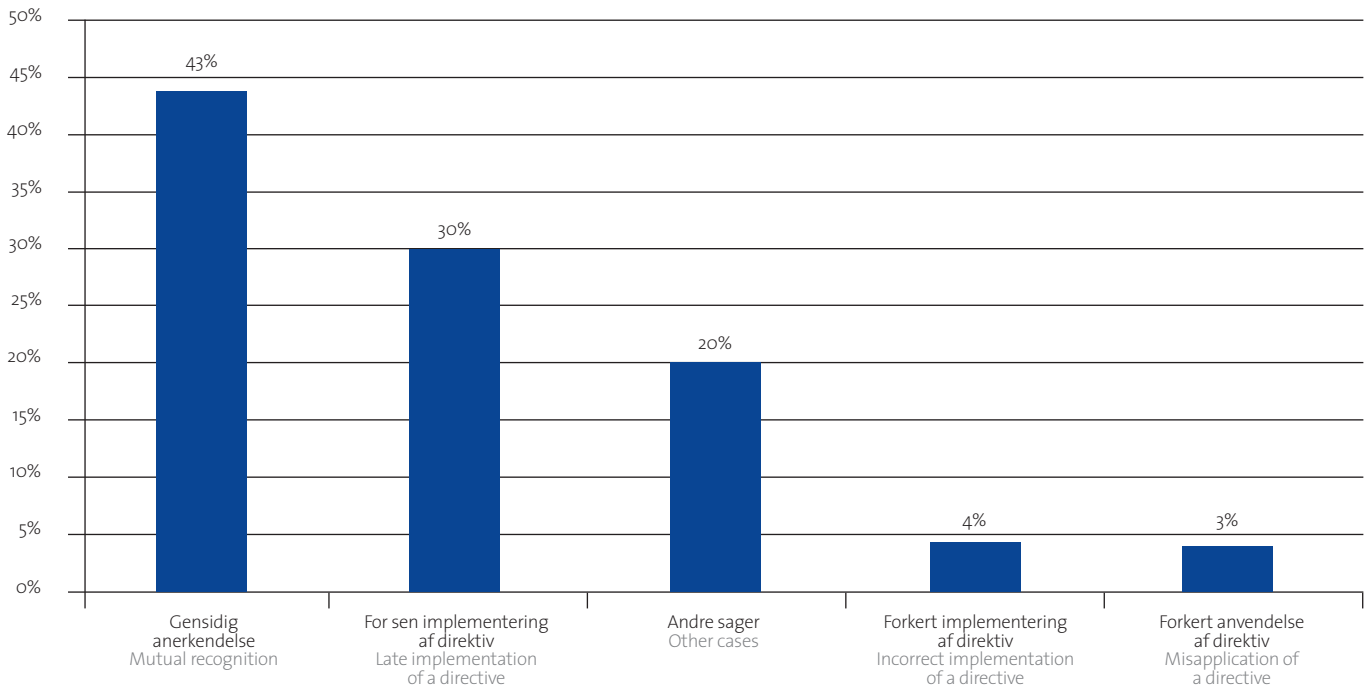
cent of the proceedings instituted against Member States by the Commission in 2005 were related to the misapplication of the mutual recognition principle, see Figure 8.²⁷

Figur 8: Sager anlagt af Kommissionen mod medlemsstaterne

Kilde: Kommissionen, Dansk Industri og Copenhagen Economics

Figure 8: Proceedings instituted against Member States by the Commission

Source: European Commission, the Confederation of Danish Industry and Copenhagen Economics



I en spørgeskemaundersøgelse gennemført blandt 2.000 erhvervsdrivende i EU svarede op mod 89 % af de erhvervsdrivende inden for en specifik produktgruppe, at de har oplevet problemer med anvendelsen af princippet om gensidig anerkendelse.²⁸

In a questionnaire survey among 2,000 traders in the European Union, up to 89 per cent of the traders within a specific sector stated that they had encountered problems with the application of the mutual recognition principle.²⁸

Regeringen vil i partnerskab med Kommissionen sikre, at princippet om gensidig anerkendelse anvendes mere korrekt i Danmark. Nem adgang for udenlandske produkter til det danske marked styrker konkurrencen og øger forbrugernes valgmuligheder, hvilket samlet set bidrager til vækst og velfærd i Danmark. Men korrekt anvendelse i andre EU-lande er også centralt, da det vil gavne danske virksomheders eksportmuligheder.

Together with the Commission, the Government will work for a more correct application of the mutual recognition principle in Denmark. Easy access for foreign products to the Danish market will boost competition and provide more options for consumers, thereby contributing to growth and welfare in Denmark. But a more correct application in other EU Member States is also essential as it will provide better export opportunities for Danish businesses.

For at imødegå problemerne med anvendelsen af princippet om gensidig anerkendelse er der i EU-regi vedtaget en ny forordning, der præciserer betydningen af princippet og fastsætter en ny procedure for partshøring m.v.²⁹ For at sikre forordningens korrekte anvendelse i Danmark, er det vigtigt, at danske myndigheder og virksomheder informeres grundigt om indholdet og konsekvenserne af den nye forordning, som alle medlemsstaternes myndigheder skal følge. Regeringen gennemfører derfor en informationsindsats rettet mod danske myndigheder.

A new EU regulation has been adopted to address the issues of misapplication of the mutual recognition principle. The Regulation clarifies the importance of the principle and lays down new procedures for individual consultation, etc.²⁹ To guarantee the correct application of the Regulation in Denmark, it is important that Danish authorities and businesses receive thorough information about the content and implications of the new Regulation, which applies to all Member State authorities. The Government will therefore launch an information initiative targeted at Danish authorities.

INITIATIV 7: BEDRE KENDSKAB TIL OG ANVENDELSE AF REGLER FOR DET INDRE MARKED

Der iværksættes en informationsindsats om princippet om gensidig anerkendelse i det indre marked. Formidlingsindsatsen målrettes de myndigheder, som primært vil skulle anvende proceduren i den nye forordning.

Indsatsen indeholder to hovedelementer:

- Seminar vedrørende princippet om gensidig anerkendelse og information om den nye forordning
- Vejledning om gensidig anerkendelse

INITIATIVE 7: IMPROVED KNOWLEDGE AND APPLICATION OF INTERNAL MARKET RULES

An information initiative will be launched to improve knowledge of the principle of mutual recognition in the Internal Market. The information initiative will be targeted at the authorities which will mainly be applying the procedure laid down by the new regulation.

The initiative comprises two main elements:

- Seminar about the mutual recognition principle and information about the new regulation
- Guidance on mutual recognition

3.4 VIDEREUDVIKLING AF ET INDRE MARKED FOR FORBRUGERNE

Realiseringen af det indre marked fremhæves ofte som en af EU's største bedrifter. Det indre marked har skabt vækst og jobs i EU, konkurrencen er styrket, og virksomhederne udnytter i høj grad det indre markedes muligheder.

Langt de fleste EU-borgere køber dog fortsat deres varer og tjenesteydelser lokalt i deres egen medlemsstat.³⁰ Og selv om e-handlen vokser i disse år, foregår den stadig primært internt i medlemslandene.³¹ Siden 2006 er der i EU sket en stigning i e-handlen indenrigs fra 27 til 33%. Alligevel ligger den grænseoverskridende e-handel i det indre marked stabilt på omkring 7% i samme periode. Konsekvensen er, at konkurrencepotentialet i det indre marked ikke udnyttes fuldt ud – med højere priser, et begrænset vare- og serviceudbud samt et generelt velfærdstab til følge.

Forbrugerne spiller derfor en central rolle, når potentialet i det indre marked skal realiseres. For mens virksomhederne allerede handler over grænserne, har forbrugerne kun i særdeles begrænset omfang taget mulighederne til sig. De resterende barrierer for den grænseoverskridende handel må derfor fjernes. Det er især væsentligt at sikre forbrugerne et højt beskyttelses- og oplysningsniveau ved handel over grænser. Tillidsfyldte og oplyste forbrugere, som kender deres rettigheder og muligheder, er nemlig en forudsætning for et velfungerende indre marked.

Regeringen har derfor i sin forbrugerpolitiske handlingsplan "Ansvarlig forbrugerpolitik"³² fra januar 2010 bl.a. peget på behovet for et stærkt internationalt samarbejde og fælleseuropæiske løsninger, hvis forbrugerne skal gives ordentlige forhold. Dette indbefatter fx, at der skal udvikles løsninger, som kan styrke forbrugernes tillid til online-handel og markedsføring.

For en uddybende beskrivelse af regeringens initiativer på forbrugerområdet henvises til den forbrugerpolitiske handlingsplan "Ansvarlig forbrugerpolitik".

3.4 FURTHER DEVELOPMENT OF AN INTERNAL MARKET FOR CONSUMERS

The realisation of the Internal Market is often highlighted as one of the biggest accomplishments of the European Union. The Internal Market has generated growth and jobs and boosted competition in the European Union, and businesses exploit the opportunities in the Internal Market to a great extent.

However, the vast majority of EU citizens still purchase goods and services locally in their own Member State.³⁰ And even though e-commerce is increasing these years, it is still mainly a local phenomenon within the individual Member States.³¹ Since 2006, national e-commerce in the European Union increased from 27 per cent to 33 per cent. Still, cross-border e-commerce in the Internal Market has remained stable at around 7 per cent in the same period. The consequence is that the competition potential inherent in the Internal Market is not exploited in full, resulting in higher prices, a limited supply of goods and services and loss of welfare in general.

Consumers therefore play a key role in the exploitation of Internal Market potential. Because while businesses are already trading across borders, consumers only make use of the opportunities to a very limited extent. The remaining barriers to cross-border trade must therefore be removed. Safeguarding a high level of consumer protection and information in relation to cross-border trade is particularly important. Confident and informed consumers who know their rights and opportunities are a precondition for a well-functioning Internal Market.

In its consumer policy action plan 'Responsible Consumer Policy'³² from January 2010, the Government has therefore emphasised the need for strong international collaboration and common European solutions to achieve proper conditions for consumers. This work includes the development of solutions to strengthen consumer confidence in e-commerce and marketing.

For an in-depth description of the Government's consumer initiatives, reference is made to the consumer policy action plan 'Responsible Consumer Policy'.

4 MERE SIKRE VARER OG SERVICES I DET INDRE MARKED SAFER PRODUCTS AND SERVICES IN THE INTERNAL MARKET

En forudsætning for velfungerende markeder er, at myndigheder og virksomheder sørger for, at der kun er lovlige varer og services på markedet. Myndighedernes indsats for at sikre, at de varer, der forhandles i det indre marked, overholder de fastsatte love, regler og standarder betegnes samlet set som markedsovervågning. På serviceområdet foretages traditionelt ikke decideret markedsovervågning. I stedet findes en række autorisations- og godkendelsesordninger, som skal sikre kvaliteten af de udførte serviceydelser.

Effektiv markedsovervågning er en forudsætning for, at forbrugere og virksomheder kan have tillid til de varer, der købes og sælges i det indre marked. Tillid gavner samhandelen og skaber vækst og beskæftigelse i Europa. Det er derfor afgørende, at markedsovervågningen i Danmark og EU er velfungerende og effektiv.

Markedsovervågning spænder bredt fra informationsformidling og dialog med virksomhederne til kontrol og sanktionering. Nye EU-regler³³ etablerer en fællesskabsramme for markedsovervågningen, som lægger op til en styrkelse af indsatsen i alle EU-lande til gavn for både virksomheder og forbrugere. Ud over at minimere antallet af farlige produkter på markedet skal effektiv markedsovervågning medvirke til, at virksomhederne oplever lige konkurrencevilkår i alle medlemslande. Det er derfor en forudsætning, at der er et nogenlunde ensartet niveau for markedsovervågningen i EU.

Regeringen vil iværksætte en række initiativer, der skal medvirke til at styrke den danske markedsovervågningsindsats generelt og sikre, at det danske niveau for markedsovervågningen med varer ligger på niveau med resten af EU. Initiativerne vil understøtte regeringens målsætning om at fremme en effektiv og målrettet håndhævelse af erhvervsreguleringen.

I takt med stigende globalisering af handelen udgør varer importeret fra 3. lande og fra andre EU-lande en stadig større andel af det danske marked. Det er positivt, da øget samhandel fremmer virksomhedernes konkurrenceevne og giver forbrugerne et større udbud af varer til en lavere pris. Men øget samhandel medfører også en risiko for, at der kommer flere varer på markedet, der ikke lever op til kravene i lovgivningen – og som i visse tilfælde er direkte farlige for forbrugerne. Problemet omfang kan illustreres med, at antallet af advarsler i EU's fælles system for varsling af farlige produkter, RAPEX³⁴, er steget eksplosivt de seneste år fra 139 i 2003 til 1.866 i 2008, jf. figur 9.

To achieve well-functioning markets, authorities and businesses must make sure that only legitimate goods and services are traded on the market. Authority efforts to ensure that the goods traded in the Internal Market comply with the legislation, rules and standards laid down are together referred to as market surveillance. The services sector is not traditionally subject to actual market surveillance. Instead, this sector is covered by various authorisation and licensing schemes designed to warrant the quality of the services provided.

Effective market surveillance is a precondition for consumers and businesses to have confidence in the products traded in the Internal Market. Confidence benefits trade and creates growth and jobs in Europe. Well-functioning and effective market surveillance in Denmark and the European Union is therefore essential.

Market surveillance includes a wide range of efforts from the communication of information to and dialogue with businesses to control and sanctioning. New EU rules³³ lay down a Community framework for market surveillance which prepares the ground for a strengthening of the efforts in all EU Member States for the benefit of businesses and consumers. In addition to minimising the number of dangerous products on the market, the purpose of effective market surveillance is to provide equal competitive conditions for businesses in all Member States. It is therefore important that there is a reasonably uniform level of market surveillance in the European Union.

The Government intends to launch a number of initiatives to support the Danish market surveillance efforts in general and ensure that the Danish market surveillance level for goods is on a level with that of the rest of the European Union. The initiatives will support the Government's objective of promoting an effective and targeted enforcement of business regulations.

In step with the increasing globalisation of trade, goods imported from third countries and other EU Member States constitute an ever growing part of the Danish market. This is positive as increased trade promotes business competitiveness and generates a larger supply of goods at lower prices for consumers. But increased trade also entails a risk that an increasing number of products on the market do not meet the statutory requirements – and in certain cases may be down

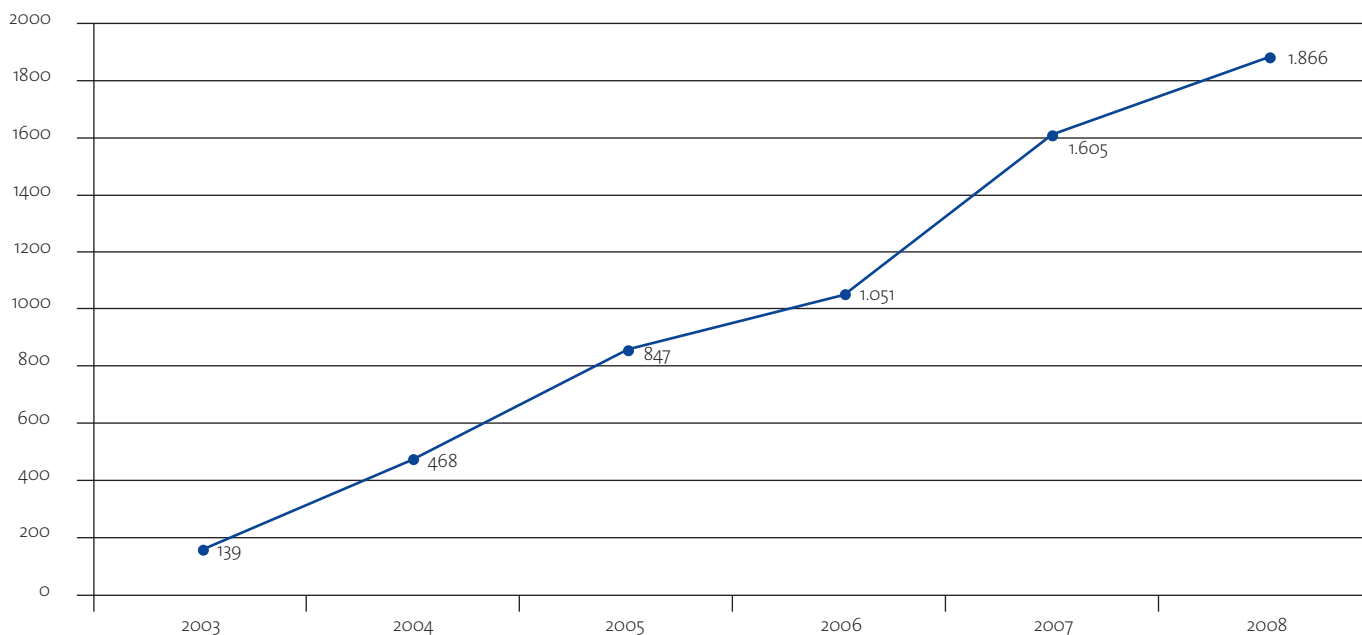
right dangerous to consumers. The scope of the problem may be illustrated by the fact that the number of alerts through RAPEX³⁴, the common EU alert system for dangerous products, has increased rapidly in recent years from 139 in 2003 to 1,866 in 2008, see Figure 9.

Figur 9: Udvikling i RAPEX notifikationer 2003-2008

Kilde: Kommissionen

Figure 9: Development in RAPEX notifications 2003-2008

Source: The Commission



4.1 BEDRE MARKEDSOVERVÅGNING PÅ VAREOMRÅDET - OPRETTELSE AF MARKEDSOVERVÅGNINGSUDVALG

I Danmark er markedsovervågningen med varer fordelt mellem en række myndigheder, som hver især har faglig ekspertise inden for et område. Fx overvåger Miljøstyrelsen, at varer på det danske marked overholder kemikalielovgivningen, mens Sikkerhedsstyrelsen varetager markedsovervågning med elektriske produkter, legetøj, fyrværkeri m.v. Denne decentrale ansvarsfordeling sikrer stor faglig ekspertise hos myndighederne. Men fordelingen betyder også, at der opstår en række til tider uklare snitflader mellem myndighederne, hvilket medfører en risiko for, at visse produkter falder mellem to stole og derfor ikke kontrolleres i tilstrækkeligt omfang. Derudover tilrettelægges og gennemføres markedsovervågningen meget forskelligt på forskellige områder, hvilket kan betyde, at virksomhederne oplever en forskellig behandling på forskellige områder, samt at forbrugerne ikke oplever det samme sikkerhedsniveau på alle områder.

For at styrke den overordnede koordination af markedsovervågningen i Danmark etableres et markedsovervågningsudvalg i regi af Økonomi- og Erhvervsministeriet. Styrket koordinering af markedsovervågningen skal medvirke til at afklare grænseflader mellem myndigheder i forbindelse med konkrete produkter. Derved sikres det, at den decentrale organisering af

4.1 IMPROVED SURVEILLANCE OF THE MARKET FOR GOODS – SET-UP OF A MARKET SURVEILLANCE COMMITTEE

In Denmark, surveillance of the market for goods is carried out by different authorities with technical expertise in their respective fields. For example, the Danish Environmental Protection Agency monitors the compliance of goods on the Danish market with the legislation on chemicals, and the Danish Safety Technology Authority is responsible for monitoring the market for electrical products, toys, fireworks, etc. This decentralised division of responsibility ensures a high level of technical expertise in connection with the surveillance by the authorities. But the division also means that the dividing lines between the authorities are sometimes blurred, entailing a risk that certain products fall between two stools and are therefore not controlled adequately. In addition, market surveillance efforts are planned and carried out in very different ways in different fields, which may result in businesses experiencing different treatment in different fields and consumers experiencing varying safety levels in different fields.

A market surveillance committee will be set up under the Danish Ministry of Economic and Business Affairs for the purpose of improving the overall coordination of market surveillance efforts in Denmark. Improved coordination of the

markedsovervågningen ikke resulterer i, at et farligt produkt falder mellem to myndigheder. Koordinering af indsatsen vil være et vigtigt redskab til at fastholde et højt beskyttelsesniveau i Danmark i takt med, at yderligere markedsåbninger fører til et større udbud af varer på markedet.

Udvalget vil bestå af alle myndigheder, der gennemfører markedsovervågning med varer, samt Forbrugerstyrelsen, SKAT og regeringens Indre Markeds Center (jf. initiativ 5). Udvalget vil holde jævnlige møder med en kreds af organisationer, der repræsenterer erhvervsliv, forbrugere og arbejdstagere. Udvalget aflægger en årlig rapport om markedsovervågningsindsatsen til Folketinget.

INITIATIV 8: OPRETTELSE AF MARKEDSOVERVÅGNINGSUDVALG

Der oprettes et markedsovervågningsudvalg, som får til opgave at koordinere og gennemføre regeringens initiativer til en styrket markedsovervågningsindsats indenfor tre indsatsområder:

- 1) Planlægning og prioritering
- 2) Koordination og samarbejde
- 3) Internationalt samarbejde

Udvalget vil bestå af alle myndigheder, der gennemfører markedsovervågning med varer, samt Forbrugerstyrelsen, SKAT og Statens Indre Markeds Center. Udvalget vil holde jævnlige møder med en kreds af organisationer, der repræsenterer erhvervsliv, forbrugere og arbejdstagere.

Udvalget vil have en koordinerende og vejledende funktion i forhold til de involverede myndigheder men vil være uden instruktionsbeføjelser. Udvalget afgiver en årlig rapport til Folketinget om markedsovervågningsindsatsen i Danmark.

4.2 PLANLÆGNING OG PRIORITERING

Undersøgelser af den eksisterende praksis for markedsovervågningen på vareområdet viser, at der er stor variation i, hvordan myndighederne planlægger og prioriterer deres indsats. Der findes ingen overordnede retningslinjer for, hvordan myndighederne skal prioritere indsatsen, hvilket medfører en meget uens praksis på tværs af områder. Dette indebærer, at virksomhederne behandles forskelligt, og at markedsovervågningen ikke nødvendigvis udføres på den mest effektive måde på alle områder.

Nogle myndigheder udfører primært en reaktiv markedsovervågning, hvor der er fokus på opfølgning på konkrete henvendelser fra fx forbrugere om farlige eller ulovlige produkter. Den

market surveillance efforts is to help clarify the dividing lines between the authorities in relation to specific products. This will prevent the risk of dangerous products falling between two authorities as a consequence of the decentralised organisation of market surveillance efforts. Coordinated efforts will be an important tool to achieve a high level of protection in Denmark as further market openings lead to a larger supply of products on the market.

The committee will consist of representatives of all authorities responsible for the surveillance of the market for goods and the Danish Consumer Agency, the Danish Tax and Customs Administration (SKAT) and the Internal Market Centre of the Danish State (see Initiative 5). The committee will hold regular meetings with a group of organisations representing trade and industry, consumers and workers. The committee will submit a report each year to the Folketing on the market surveillance efforts.

INITIATIVE 8: SET-UP OF A MARKET SURVEILLANCE COMMITTEE

A market surveillance committee will be set up which will be responsible for coordinating and carrying out Government initiatives to strengthen market surveillance efforts in three areas:

- 1) Planning and prioritisation
- 2) Coordination and collaboration
- 3) International collaboration

The committee will consist of representatives of all authorities responsible for the surveillance of the market for goods and the Danish Consumer Agency, the Danish Tax and Customs Administration (SKAT) and the Internal Market Centre of the Danish State. The committee will hold regular meetings with a group of organisations representing trade and industry, consumers and workers.

The committee will function as a coordinating body and provide guidance relative to the relevant authorities, but will not have any authority to give instructions. The committee will submit a report each year to the Folketing on the Danish market surveillance efforts.

4.2 PLANNING AND PRIORITISATION

Surveys of current market surveillance practices concerning goods show that the planning and prioritisation of efforts by the authorities vary greatly. There are no general guidelines as to how authorities should prioritise their efforts, which implies that practices differ greatly from sector to sector. This means that businesses are treated differently and that market surveillance may not be carried out in the most effective manner in all fields.

Some authorities mainly focus on a reactive market surveillance approach by following up on specific inquiries from consumers about dangerous or illegal products. To a wide extent, reactive market surveillance is based on inspections. Other authorities

reaktive markedsovervågning er i vid udstrækning baseret på kontrolbesøg. Andre myndigheder lægger i højere grad vægt på en proaktiv markedsovervågning, som ligeledes inkluderer kontrolbesøg hos virksomheder, men som også indbefatter en informationsindsats om gældende regler over for virksomheder og brancheorganisationer, dokumentkontrol og udarbejdelse af egenkontrolprogrammer i samarbejde med virksomhederne.

Med henblik på at sikre kvaliteten af markedsovervågningen på tværs af områder udarbejdes en fælles overordnet målsætning for markedsovervågningen i Danmark. Herudover styrkes planlægning og prioritering gennem udarbejdelse af årlige overvågningsprogrammer og i form af fælles retningslinier for kontrolbesøg og opfølgning. Endvidere undersøges muligheden for udarbejdelse af en fælles database med relevante oplysninger fra kontrolbesøg og fælles retningslinier for fx risikovurdering. Disse konkrete redskaber skal bruges til at prioritere markedsovervågningsindsatsen og vil generelt medvirke til en mere effektiv markedsovervågning. Redskaberne udarbejdes under hensyntagen til, at det varierer, hvilke metoder og tilgange der passer bedst til et givet område.

INITIATIV 9: STYRKET PLANLÆGNING OG PRIORITERING

Regeringen vil sikre bedre planlægning og prioritering af markedsovervågningsindsatsen gennem følgende initiativer:

- Udarbejdelse af en 3-årig strategisk handlingsplan for markedsovervågningen
- Fastsættelse af overordnet målsætning for markedsovervågningen
- Udarbejdelse af koncept for årlige markedsovervågningsprogrammer
- Årlig evaluering af implementering af markedsovervågningsprogrammerne
- Undersøge mulighed for fælles database og fælles retningslinier for fx risikovurdering

Initiativet forankres i regeringens markedsovervågningsudvalg.

focus more on a proactive market surveillance approach which, in addition to business inspections, also includes informing businesses and trade organisations about applicable rules, checking of documents and preparation of self-inspection schemes in collaboration with businesses.

To achieve a uniform quality of market surveillance across the different fields, the Government will prepare a national overall objective for market surveillance efforts in Denmark. Moreover, the planning and prioritisation will be strengthened by means of annual surveillance programmes and common guidelines for inspections and follow-up. Furthermore, the feasibility of creating a common database of relevant information from inspections and common risk assessment guidelines, etc., will be examined. These specific tools are intended to support the prioritisation of market surveillance efforts and contribute to more effective market surveillance in general. The tools will be developed with due consideration for the different methods and approaches that best suit the individual fields.

INITIATIVE 9: STRENGTHENED PLANNING AND PRIORITISATION EFFORTS

The Government intends to improve the planning and prioritisation of market surveillance efforts through the following measures:

- Preparation of a three-year strategic market surveillance action plan
- Establishment of an overall market surveillance objective
- Preparation of a concept for annual market surveillance schemes
- Annual evaluation of market surveillance scheme implementation
- Feasibility study of a common database and risk assessment guidelines, etc.

The initiative will be administered by the Government's market surveillance committee.

4.3 KOORDINATION OG SAMARBEJDE MELLEM MARKEDSOVERVÅGNINGSMYNDIGHEDERNE

Den decentrale organisering af markedsovervågningen indebærer, at potentielle gevinster ved fælles initiativer mellem myndighederne ikke realiseres fuldt ud. De samme virksomheder kan således opleve at få besøg af flere forskellige kontrolmyndigheder. Det er en ineffektiv udnyttelse af såvel virksomhedernes som myndighedernes tid. Øget samarbejde mellem myndighederne, fx i forbindelse med fælles informationskampanjer eller kontrolbesøg hos virksomheder, skal medvirke til at sikre virksomhederne en ensartet behandling og lette virksomhedernes administrative byrder. Herudover vil mulighederne for effektivisering af indsatsen via nye kontrolformer blive undersøgt, fx kontrolfællesskaber og egenkontrol. Dette

4.3 COORDINATION AND COOPERATION BETWEEN MARKET SURVEILLANCE AUTHORITIES

The decentralised organisation of market surveillance efforts means that potential benefits of joint initiatives between the authorities are not exploited in full. The same business may thus experience inspections from several different authorities. This is an inefficient use of time for businesses as well as authorities. By increasing authority cooperation, for example in connection with joint information campaigns or business inspections, the Government intends to achieve more uniform treatment and ease the administrative burdens of businesses. In addition, the possibilities of streamlining the efforts by means of new forms of inspection will also be examined, for example inspection groups and self-inspection. These measures are to

skal sikre en mere effektiv og i sidste ende bedre markedsovervågning.

Øget samarbejde vil desuden medvirke til at øge erfaringsudveksling og udbredelse af "bedste praksis" mellem myndighederne, hvilket vil højne kvaliteten af markedsovervågningen.

Regeringen vil endvidere fremme fælles initiativer mellem markedsovervågningsmyndighederne og SKAT, således at en større del af de ulovlige produkter stoppes, allerede inden de når ud på det danske marked. Erfaringerne viser, at importerede varer udgør en stor andel af de ulovlige varer på markedet, fx udgør importerede varer over 70 % af alle ulovlige varer på det elektrotekniske område. Alle varer fra tredjelande skal toldbehandles, inden de frigives til omsætning på markedet. SKAT er derfor i en unik position til at tilbageholde ulovlige varer, hvis de får tilstrækkeligt input fra markedsovervågningsmyndighederne til fx risikoprofiler over relevante produkttyper, producenter eller importører.

INITIATIV 10: STYRKET SAMARBEJDE MELLEM MYNDIGHEDER

Regeringen vil iværksætte fælles markedsovervågningsinitiativer mellem relevante myndigheder, herunder SKAT. Initiativet vil primært vedrøre:

- Fremme af målrettet og effektiv markedsovervågning
- Tilrettelæggelse af fælles uddannelsesprogrammer
- Tilrettelæggelse af samarbejde mellem markedsovervågningsmyndighederne og mellem disse og SKAT, fx ved fælles informationskampagner og fælles kontrolbesøg
- Test af nye kontrolsamarbejder, fx gennem egentlige kontrolfællesskaber
- Undersøge muligheden for at gennemføre ensartet kontrol på sammenlignelige områder

Initiativet forankres i regeringens markedsovervågningsudvalg.

provide a more effective and, ultimately, better surveillance of markets.

Closer cooperation will also help increase the sharing of experiences and best practices between authorities, thereby increasing the market surveillance quality.

The Government will also work to promote joint initiatives between the market surveillance authorities and SKAT to stop a larger proportion of the illegal products already before they reach the Danish market. Experience shows that imported goods account for a large proportion of the illegal goods on the market. For example, imported products account for more than 70 per cent of all illegal electrical/technical products. All third-country goods must be cleared before they can be released for trade on the market. SKAT therefore has a unique authority to withhold illegal goods if they receive sufficient input from market surveillance authorities for example for risk profiles of relevant product types, manufacturers or importers.

INITIATIVE 10: INCREASED COOPERATION BETWEEN AUTHORITIES

The Government intends to launch joint market surveillance initiatives between relevant authorities, including SKAT. The initiative will mainly relate to:

- Promotion of targeted and effective market surveillance efforts
- Planning of common training programmes
- Planning of cooperation between market surveillance authorities and between these authorities and SKAT, for example in connection with joint information campaigns and inspections
- Testing of new joint inspection efforts, for example by actual inspection groups
- Examination of feasibility of carrying out uniform inspections in comparable fields

The initiative will be administered by the Government's market surveillance committee.

4.4 INTERNATIONALT SAMARBEJDE OM MARKEDSOVERVÅGNING

Ensartet markedsovervågning på tværs af grænserne i det indre marked er en forudsætning for, at danske forbrugere oplever et ensartet beskyttelsesniveau, uanset om de køber dansk eller udenlandsk producerede varer, og uanset om de handler i Danmark eller i et andet EU-land. Ensartet markedsovervågning sikrer herudover, at danske virksomheder oplever lige konkurrencevilkår overalt i EU. Markedsovervågningsindsatsen varierer imidlertid meget på tværs af landegrænserne. I EU-regi er der derfor netop vedtaget en fælles ramme for den fremtidige markedsovervågning.³⁶

Den danske regering vil i forbindelse med nye EU-regler sikre et højt beskyttelsesniveau for forbrugere, arbejdstagere og miljø i hele EU ved at sikre en ensartet implementering og håndhævelse. Danmark vil deltage aktivt i at fremme EU-

4.4 INTERNATIONAL COOPERATION ON MARKET SURVEILLANCE

Uniform market surveillance standards across borders in the Internal Market is necessary for consumers to experience a uniform level of protection, whether they purchase products manufactured in Denmark or abroad and whether they trade in Denmark or in another EU Member State. Uniform market surveillance will also ensure that Danish businesses experience equal competitive conditions in all EU Member States. However, market surveillance efforts vary greatly across the national borders. For that reason, a common European framework for future market surveillance efforts has recently been adopted.³⁶

In connection with new EU rules, the Danish Government will work to achieve a high level of protection of consumers, workers and the environment throughout the European Union

initiativer, der skal forbedre markedsovervågning gennem udveksling af bedste praksis. Et eksempel på et sådan projekt kunne være EMARS³⁷ projektet, som er et stort fælleseuropæisk projekt, der løber over 3 år.

Herudover deltager flere danske myndigheder i internationalt samarbejde om markedsovervågning, herunder særligt i EU-regi. Samarbejdet består fx i udveksling af risikovurderinger, afprøvningsmetoder og testresultater og bruges aktivt i tilrettelæggelsen af den danske markedsovervågning.

INITIATIV 11: INTERNATIONALT SAMARBEJDE OM MARKEDSOVERVÅGNING

Markedsovervågningsudvalget skal sikre, at den danske indsats for markedsovervågning er på niveau med indsatsen i resten af EU. Initiativer vil især vedrøre:

- Sammenligning af den danske indsats med indsatsen i relevante EU-lande
- Styrket koordinering af danske input til horisontale EU-initiativer vedrørende markedsovervågning
- Udbredelse af erfaringer og bedste praksis fra EU-projekter blandt alle danske markedsovervågningsmyndigheder
- Styrket koordinering af dansk deltagelse i fælleseuropæiske informationskampagner og besøgsprogrammer

Initiativet forankres i regeringens markedsovervågningsudvalg.

by ensuring uniform implementation and enforcement. Denmark will take active part in the promotion of European initiatives to improve market surveillance efforts through the exchange of best practices. The large common European three-year project EMARS³⁷ is an example of such an initiative.

In addition, several Danish authorities take part in an international cooperation on market surveillance, including on the EU level in particular. The cooperation includes the exchange of risk assessments, test methods and test results and is used actively in the planning of the Danish market surveillance efforts.

INITIATIVE 11: INTERNATIONAL COOPERATION ON MARKET SURVEILLANCE

The market surveillance committee is responsible for ensuring that Danish market surveillance efforts are on a level with the efforts of the other EU Member States. The initiative will mainly relate to:

- Comparison of Danish efforts with the efforts of relevant EU Member States
- Improved coordination of Danish input for horizontal European market surveillance initiatives
- Sharing of experiences and best practices from EU projects with all Danish market surveillance authorities
- Improved coordination of Danish participation in common European information campaigns and inspection schemes

The initiative will be administered by the Government's market surveillance committee.

4.5 BEDRE HÅNDHÆVELSE PÅ SERVICEOMRÅDET

På serviceområdet foretages traditionelt ikke decideret markedsovervågning. I stedet findes en række autorisations- og godkendelsesordninger, som sikrer kvaliteten af de udførte serviceydelser. Med vedtagelsen af EU's servicedirektiv, som er trådt i kraft ved udgangen af 2009, er der skabt rammer for øget samhandel med services. Det er imidlertid afgørende for sikkerheden på markedet, at myndighederne kan verificere, at udenlandske serviceudbydere lever op til de danske regler.

Der er derfor brug for et stærkt samarbejde mellem myndighederne på tværs af grænserne i EU. I forbindelse med vedtagelsen af servicedirektivet har man i EU-regi opbygget et informationssystem (IMI), som alle medlemslande er koblet op til. IMI skal bruges til at udveksle oplysninger mellem myndigheder om grænseoverskridende serviceydere. Konkret kan de nationale myndigheder via systemet få kontakt til og føre en dialog med relevante kompetente myndigheder i andre EU-lande på deres eget modersmål.

Såfremt de danske sundhedsmyndigheder fx modtager en ansøgning om autorisation fra en udenlandsk læge, vil de danske myndigheder gennem informationssystemet kunne spørge myndighederne i den pågældende læges hjemland om rig-

4.5 IMPROVED ENFORCEMENT IN THE SERVICES FIELD

The services field is not traditionally subject to actual market surveillance. Instead, this sector is subject to a number of authorisation and licensing schemes to warrant the quality of the services provided. The EU Services Directive, which entered into force at the end of 2009, laid down a new framework for increased trade in services. However, to guarantee market safety it is essential that authorities are able to verify that foreign service providers comply with Danish rules.

Strong cross-border cooperation between the national European authorities is therefore required. In connection with the adoption of the Services Directive, a European information system (IMI) was established which is accessible for all Member States. IMI is to be used for the exchange of information between authorities about cross-border service providers. More specifically, the national authorities may use the system to contact and communicate with the relevant competent authorities in other EU Member States in their own languages.

For example, if the Danish health authorities receive an application for authorisation by a foreign medical practitioner, the Danish authorities may use the information system to

tigheden af de oplysninger, lægen giver, fx ægtheden af eksamensbevis e.l.lign.

IMI-systemet vil endvidere bidrage til at mindske de administrative byrder for udenlandske serviceudbydere, da ansøgninger om autorisation kan behandles hurtigere og mere effektivt gennem dialog med hjemlandets myndigheder.

Regeringen vil sikre, at relevante myndigheder informeres om og trænes i brugen af det nye system, således at forbrugerne trygt kan anvende udenlandske serviceudbydere og dermed fremme konkurrencen og sænke prisen på services i Danmark.

inquire the authorities of the relevant practitioner's country of origin about the correctness of the information provided by the practitioner, for example the validity of the diploma or similar documentation.

The IMI system will also contribute to reducing the administrative burdens of foreign service providers as it facilitates a faster and more effective processing of authorisation applications by making it possible to communicate with the authorities of the country of origin.

The Government will make sure that the relevant authorities receive information about and training in the new system so that consumers can feel confident in choosing foreign service providers, which will promote competition and reduce the price of services in Denmark.

INITIATIV 12: BEDRE HÅNDHÆVELSE PÅ SERVICEOMRÅDET

For at opretholde et højt beskyttelsesniveau på serviceområdet vil regeringen sikre effektiv implementering og anvendelse af IMI-systemet blandt danske myndigheder.

Statens Indre Marked Center koordinerer den danske deltagelse i IMI-systemet og uddanner danske myndigheder i systemets anvendelse.

INITIATIVE 12: IMPROVED ENFORCEMENT IN THE SERVICES FIELD

To maintain a high level of protection in the market for services, the Government will work to achieve effective implementation and use of the IMI system by Danish authorities.

The Internal Market Centre of the Danish State is responsible for coordinating the Danish participation in the IMI system and training of Danish authorities in using the system.

5 NOTER NOTES

¹European Economy Economic Papers, No 271, January 2007.

²Copenhagen Economics (2007), 'The Internal Market for goods. The Unrealised Potential'. Copenhagen Economics (2005), 'Economic Assessment of the Barriers to the Internal Market for services'.

³Europa-parlamentets og Rådets direktiv 2006/123/EF af 12. december 2006 om tjenesteydelser i det indre marked.

⁴European Business Test Panel (2004), 'Trading Goods Across the EU – Applying the Principle of Mutual Recognition'.

⁵Økonomi- og Erhvervsministeriet (2006), 'Betydningen af danske særregler'. Ikke publiceret.

⁶Copenhagen Economics (2006), 'Den økonomiske betydning af autorisationsordninger'. Ikke publiceret.

⁷Overblik over notifikationer findes i EU's TRIS database, <http://ec.europa.eu/enterprise/tris/>.

⁸Erhvervs- og Byggestyrelsen (2006), 'Rapport fra Task forcen for det indre marked (TIM)'. Ikke publiceret.

⁹Sammenligningen skal ske inden reglerne fremsættes. For varer vil det fx kunne ske i forbindelse med den obligatoriske notifikation af nye eller reviderede regler for varer og services til Kommissionen. Ifølge direktiv 98/34 (Informationsproceduredirektivet) skal alle nye nationale regler og væsentlige revisioner af eksisterende regler på vareområdet notificeres til Kommissionen, inden de sættes i kraft. Servicedirektivet indfører en tilsvarende bestemmelse for tjenester omfattet af direktivet. Formålet med notifikationsprocedurene er at give Kommissionen og de øvrige EU-lande mulighed for at gøre indsigelse mod nationale regler.

¹⁰Regeringen foreslår, at sammenligningskravet indføres som et fast element i EU's informationsprocedure, når direktiv 98/34 skal revideres.

¹¹Kommissionen (2004), 'Extended impact assessment of proposal for a directive on services in the internal market', SEC (2004) 21.

¹²Ibid.

¹³Ibid.

¹⁴Dansk Industri (2007), 'EU's indre marked. Godt begyndt – halvt fuldendt'.

¹⁵Europa-Parlamentets og Rådets afgørelse nr. 768/2008/EF om fælles rammer for markedsføring af produkter og om ophævelse af Rådets afgørelse 93/465/EF.

¹⁶Medlemslandenes evne til at implementere EU-lovgivningen til tiden bliver målt hvert halve år i Kommissionens 'Resultattavle for det indre marked'. Den seneste resultattavle findes på http://ec.europa.eu/internal_market/score/index_en.htm.

¹⁷Det kan fx opgøres, hvor mange sager vedr. forkert anvendelse af princippet om gensidig anerkendelse, der verserer ved EU-Domstolen eller samarbejdet om markedsoplysning i EU tilrettelægges og gennemføres.

¹⁸Kommissionen (2006), 'Special Eurobarometer: Internal Market. Opinions and experiences of Citizens in EU-25'.

¹⁹Kommerskollegium (2005), 'Visst är EU vår hemmamarknad – nästan all vår export går dit. Svenska företags uppfattning om EU:s inre marknad'.

²⁰Kommerskollegium (2005), 'Europa – ja men hur? – svenske myndigheters uppfattning om EU:s inre marknad'.

²¹Se note 17-19.

²²European Business Test Panel (2004) 'Trading Goods Across the EU – Applying the principle of Mutual Recognition'. Figur fra Copenhagen Economics (2007) jf. note 2.

²³Kommissionen (2006), 'Special Eurobarometer: Internal Market. Opinions and experiences of Citizens in EU-25'.

¹European Economy Economic Papers, No 271, January 2007.

²Copenhagen Economics (2007), 'The Internal Market for Goods. The Unrealised Potential'. Copenhagen Economics (2005), 'Economic Assessment of the Barriers to the Internal Market for Services'.

³Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the Internal Market.

⁴European Business Test Panel (2004), 'Trading Goods Across the EU – Applying the Principle of Mutual Recognition'.

⁵The Danish Ministry of Economic and Business Affairs (2006), 'The Significance of Danish Special Rules' ('Betydningen af danske særregler'). Not published.

⁶Copenhagen Economics (2006), 'The Financial Significance of Authorisation Schemes' ('Den økonomiske betydning af autorisationsordninger'). Not published.

⁷All notifications are available in the EU TRIS database at <http://ec.europa.eu/enterprise/tris/>.

⁸The Danish Enterprise and Construction Authority (2006), 'Task Force Report on the Internal Market (TIM)' ('Rapport fra Task forcen for det indre marked (TIM)'). Not published.

⁹The comparison must be made before the presentation of the rules. In relation to goods, this could take place in connection with the mandatory notification to the Commission of new or revised rules on goods and services. According to Directive 98/34/EC (the Notification Procedure Directive), all new national rules and essential revisions of existing rules on goods must be notified to the Commission before they are put into force. The Services Directive introduces a similar provision for services regulated by the Directive. The purpose of the notification procedures is to give the Commission and the other EU Member States the opportunity to object to national rules.

¹⁰The Government proposes to introduce the comparison requirement as a permanent element of the EU notification procedures in connection with the revision of Directive 98/34/EC.

¹¹The Commission (2004), 'Extended Impact Assessment of Proposal for a Directive on Services in the Internal Market', SEC (2004) 21.

¹²Ibid.

¹³Ibid.

¹⁴Confederation of Danish Industry (2007), 'The EU Internal Market. Well Begun is Half Done' ('EU's indre marked. Godt begyndt – halvt fuldendt').

¹⁵Decision 768/2008/EC of the European Parliament and the Council on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC.

¹⁶The timely implementation of EU legislation by Member States is published every six months by the Commission in the 'Internal Market Scoreboard'. The most recent Scoreboard is available at http://ec.europa.eu/internal_market/score/index_en.htm.

¹⁷For example, it may be possible to calculate the number of cases concerning incorrect application of the mutual recognition principle that are pending before the European Court of Justice or how the collaboration about market surveillance in the European Union is planned and carried out.

¹⁸The Commission (2006), 'Special Eurobarometer: Internal Market. Opinions and experiences of Citizens in EU-25'.

¹⁹The Swedish National Board of Trade (2005), 'Yes, Of Course Europe is Our Home Market – Nearly All Our Exports Go There. Swedish Companies' Views of the EU Internal Market' ('Visst är EU vår hemmamarknad – nästan all vår export går dit. Svenska företags uppfattning om EU:s inre marknad').

- ²⁴ Varepakken består af forordning 764/2008 om gensidig anerkendelse, forordning 765/2008 om akkreditering og markedsovervågning og afgørelse 768/2008 om fælles rammer for markedsføring af produkter.
- ²⁵ Kommissionens henstilling om foranstaltninger til fremme af det indre marked, K(2009) 4728 endelig.
- ²⁶ Eurobarometer (2000), 'Europeans and the EC logo', 52, nr. 1. The Swedish Research Institute of Trade (2004), 'CE – A study of consumers' and retailers' knowledge of the CE mark'.
- ²⁷ Copenhagen Economics (2007), 'The Internal Market for Goods. The Unrealised Potential'.
- ²⁸ Kommissionen (2002), 'Anden toårsrapport om anvendelsen af princippet om gensidig anerkendelse i det indre marked', KOM(2002) 419. Se også konsekvensvurdering af forslag til forordning om procedurer for anvendelsen af visse nationale tekniske forskrifter på produkter, der markedsføres lovligt i en anden medlemsstat, SEC (2007) 112.
- ²⁹ Europa-Parlamentet og Rådets forordning 764/2008/EF om procedurer for anvendelsen af visse nationale tekniske forskrifter på produkter, der markedsføres lovligt i en anden medlemsstat.
- ³⁰ I 2006 har kun 26 % af de europæiske forbrugere handlet i en anden medlemsstat. Dog har 54 % af de danske forbrugere handlet i en anden medlemsstat i 2006, jf. "Monitoring consumer outcomes in the single market: the Consumer Market Scoreboard", COM (2008) 31, januar 2008, s. 45-46.
- ³¹ 44 % af de europæiske forbrugere har handlet på internettet, men kun 12 % har handlet på internettet i en anden medlemsstat. COM (2008) 31, januar 2008, s. 46.
- ³² Regeringens Forbrugerpolitiske Handlingsplan er offentliggjort den 26. januar 2010.
- ³³ Jf. forordning 765/2008 om akkreditering og markedsovervågning.
- ³⁴ RAPEX er et fælleseuropæisk system, som drives af Kommissionen, og som alle medlemslande har adgang til via et nationalt kontaktpunkt. RAPEX bruges til udveksling af oplysninger om produkter, der udgør en alvorlig risiko for forbrugernes sundhed og sikkerhed, mellem EU-landene.
- ³⁵ Dette omfatter kun ikke-organiske varer, dvs. ikke fødevarer og foder.
- ³⁶ Jf. forordning 765/2008 om akkreditering og markedsovervågning.
- ³⁷ Enhancing Market Surveillance through Best Practice
- ³⁸ IMI – Internal Market Information System. For yderligere informationer se http://ec.europa.eu/internal_market/imi-net/
- ²⁰ The Swedish National Board of Trade (2005), 'Europe – Yes, But How? Swedish Government Agencies' Views of the EU Internal Market' ('Europa – ja men hur? – svenske myndigheters opfattning om EU: s indre marknad').
- ²¹ See notes 17-19.
- ²² European Business Test Panel (2004), 'Trading Goods Across the EU – Applying the principle of Mutual Recognition'. Figure from Copenhagen Economics (2007), see note 2.
- ²³ The Commission (2006), 'Special Eurobarometer: Internal Market. Opinions and experiences of Citizens in EU-25'
- ²⁵ Commission mentions the setting up of Internal Market coordination functions as a good practice example.
- ²⁴ The goods package consists of Regulation 764/2008/EC on mutual recognition, Regulation 765/2008/EC on accreditation and market surveillance and Regulation 768/2008/EC on a common framework for the marketing of products.
- ²⁵ Commission Recommendation on measures to improve the functioning of the single market, C(2009) 4728 final.
- ²⁶ Eurobarometer (2000), 'Europeans and the EC logo', 52, No. 1. The Swedish Research Institute of Trade (2004), 'CE – A study of consumers' and retailers' knowledge of the CE mark'.
- ²⁷ Copenhagen Economics (2007), 'The Internal Market for Goods. The Unrealised Potential'.
- ²⁸ The Commission (2002), 'Second biennial Report on the Application of the Principle of Mutual Recognition in the Single Market' COM (2002) 419.
- See also Proposal for a Regulation of the European Parliament and of the Council laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State, Impact Assessment SEC (2007) 112.
- ²⁹ Regulation 764/2008/EC of the European Parliament and of the Council laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State.
- retailers' knowledge of the CE mark'
- ³⁰ In 2006, only 26 per cent of European consumers traded in another Member State. However, 54 per cent of Danish consumers traded in another Member State in 2006, see 'Monitoring consumer outcomes in the single market: the Consumer Markets Scoreboard', COM (2008) 31, January 2008, pp. 45-46.
- ³¹ 44 per cent of European consumers traded on the Internet, whereas only 12 per cent traded on the Internet in another Member State. COM (2008) 31, January 2008, p. 46.
- ³² The Government action plan 'Responsible Consumer Policy' was published on 26 January 2010.
- ³³ See Regulation 765/2008/EC setting out the requirements for accreditation and market surveillance relating to the marketing of products.
- ³⁴ RAPEX is a common European system operated by the Commission, which all Member States have access to via national contact points. RAPEX is used for exchanging information between the Member States about products posing a serious risk to the health and safety of consumers.
- ³⁵ This does not apply to organic goods, ie. food end feed.
- ³⁶ See Regulation 765/2008/EC setting out the requirements for accreditation and market surveillance relating to the marketing of products.
- ³⁷ Enhancing Market Surveillance through Best Practice.
- ³⁸ IMI – Internal Market Information System. More information is available at http://ec.europa.eu/internal_market/imi-net/.

Et mere åbent og sikkert indre marked
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