



Mapping the Implementation of the **Services Directive** in EU Member States

THE CHAMBERS' PERSPECTIVE

EUROCHAMBRES
Policy Survey

FEBRUARY 2010



EUROCHAMBRES

EUROCHAMBRES' questionnaire

- 1 Member states should be about to complete the directive's implementation, fully as well as correctly. Do you believe that your government will meet the 28 December deadline? If yes, do you anticipate that all of the directive's provisions will be properly implemented by then, from a qualitative point of view? If not, which provisions represent the main obstacles to the completion of the directive's implementation?
- 2 Points of single contact (or single points of contact – PSC): What is the essence of the approach chosen by your government with regard to the PSC – in particular as regards the possibility to effectively complete procedures through the PSC? Is the Chamber network involved? If so, how? Will the PSC(s) in your country provide for information and for completion of formalities in languages other than yours? If so, which ones?
- 3 Screening: Has your government completed the screening of existing national legislation to ensure that it does not enter into conflict with the Services Directive's purpose and practice? If not, what has not yet been done? Was the Chamber network involved in the process? How?
- 4 Mutual assistance: What is your national approach to establishing 'mutual assistance provisions' across the EU? Was the Chamber network involved? How?
- 5 Are you aware of your national government's representatives talking to other EU states about collaboration during the implementation? How is your government approaching the 'mutual evaluation' phase currently starting?
- 6 Are you aware of specific areas that present obstacles and on which governments and institutions alike should focus their efforts, particularly with regard to requirements applied in your country to the establishment of service providers (for instance authorisation procedures or other conditions you need to comply to be able to engage into a service activity) or to the cross-border provision of services (for instance specific conditions imposed on service providers from other member states before they are allowed to provide a service on a temporary basis – as the obligation to make a declaration)?



Mapping the Implementation of the **Services Directive** in EU Member States

THE CHAMBERS' PERSPECTIVE

Foreword	2
Key findings & recommendations	3
Overall results	5
Detailed results	11
Austria	12
Belgium	12
Bulgaria	13
Cyprus	14
Czech Republic	15
Denmark	15
Estonia	16
Finland	16
France	17
Germany	18
Greece	18
Hungary	19
Ireland	20
Italy	21
Latvia	22
Lithuania	23
Luxembourg	23
Malta	24
Netherlands	25
Poland	26
Portugal	27
Romania	28
Slovakia	28
Slovenia	29
Spain	29
Sweden	30
United Kingdom	31

The clock has stopped, but implementation is late or unsatisfactory in many member states



Alessandro Barberis
PRESIDENT EUROCHAMBRES

The implementation phase of the Services Directive started on 28 December 2006. It was clear from the beginning that if the directive was to meet rapidly its objectives and enable businesses to provide services across the EU, unimpaired by obstacles, it would have to be implemented punctually and correctly.

Aware of this key challenge and consequently of the importance of monitoring closely the implementation process, EUROCHAMBRES undertook a six-monthly survey throughout the three-year implementation phase to monitor EU member states' progress from the business perspective. The survey is based on a list of questions addressed to national Chambers of Commerce and Industry, which provides an overview of the implementation's key aspects, as well as of the Chambers' involvement in the process.

This edition of the survey, conducted during December 2009, is the sixth and last of the Services Directive implementation phase. It thus represents a key checkpoint to understand whether the directive has been implemented on time, fully and correctly, from a legal and from an operational perspective.

Overall, the results are not encouraging, as Chambers from nearly half of member states consider that the implementation deadline of 28 December would not be met in their country. It is clear today that while some countries have progressed well over the past three years, several others lag substantially behind, particularly from an operational perspective (Point(s) of Single Contact, electronic interoperability, administrative simplification), thus making the directive, from the business perspective, irrelevant and/or ineffective.

This situation not only jeopardizes the directive's aims, but might also place these countries at an economic disadvantage vis-à-vis their EU counterparts at a moment when not only businesses but Europe's economy as a whole strongly need a properly integrated services market.

I hope that you find the survey useful and interesting. This series of biannual surveys during the Services Directive implementation phase illustrates clearly the pivotal role that Chambers play between the business community and policy makers. I can assure you that EUROCHAMBRES and the Chamber network will continue to monitor the implementation process over the coming months and years and help to ensure that this directive swiftly delivers tangible improvements for the millions of businesses providing services across the EU.

Key findings & recommendations

European Chambers believe that the following points represent the key elements for reflection now that the directive's implementation deadline has elapsed:

- **Many national Chambers are critical of the implementation of the directive**

As was the case six months ago, just over half of European Chambers now believe that implementation in their country is proving to be full and correct. In some member states, the problems are of a legal nature (screening still under way, adoption of horizontal laws pending etc), while other countries are encountering more operational problems (incomplete set up of the national PSC(s), for example). Some countries are experiencing delays on both aspects.

EUROCHAMBRES invites the member states and the Commission to use the 'mutual evaluation' process in 2010 constructively, as an 'extension' of the three-year implementation phase, in order to ensure a homogeneous implementation (legal and especially operational) of the directive throughout the EU by the first half of 2010.

- **Screening and/or legislative transposition – not completed in about half of member states**

The huge differences in the screening performances that the survey has illustrated throughout the implementation phase are confirmed by the fact that, by 28 December 2009, some countries have not yet completed this crucial exercise. This is disappointing, since the screening clearly was one of the first tasks to be performed in the framework of the directive's implementation and a pre-requisite to its effectiveness. In some countries the legislative screening process has been concluded, but the adoption of horizontal legislation to incorporate changes in the national legal systems is blocked or delayed for legal or political reasons.

EUROCHAMBRES invites all member states to complete their screening exercise and to incorporate legislative changes to their national legislation by the first quarter of 2010. In this respect, Chambers believe that the 'mutual evaluation' phase could prove useful to put pressure on those member states which have

not yet completed this fundamental part of the directive's implementation.

- **Points of Single Contact (PSC): full operational implementation not achieved in several member states**

Chambers consider that virtually all member states have now made a choice on the 'how' and 'where' of the PSC set up and work has started in all countries. However, in some countries the process of creating the PSC only started recently. On the operational side, this explains why about a fourth of EU member states have not yet completed their PSC preparations. At the same time, some of the national PSCs which are accessible do not yet offer the full range of services and information they are required to provide. These delays mainly relate to the electronic functioning of the PSCs and to electronic interoperability. The great majority of member states are opting for a PSC model which comprises of a point of information and allows formalities to be completed. Some national Chambers also highlight the failure to replace paper-based procedures with online, electronic ones.

EUROCHAMBRES thus urges the member states and the Commission to focus on the electronic interoperability of the PSCs and on the need to provide all information and administrative forms in electronic format.

- **The 'language issue' becomes more critical**

Compared to six months ago, more EU countries now seem to realise the importance to provide PSCs' services in languages other than their own: about half of member states are now offering, or will offer, PSC services in at least one other language (normally English). However, in a big number of member states, PSCs are still set to provide information in their language(s) only. From a business perspective, this is a key operational element that needs to be addressed by all countries. A patchy situation characterised by language barriers in some countries will certainly hinder the proper functioning of the system and discourage businesses from taking advantage of the directive's provisions, thus potentially creating market distortions.

EUROCHAMBRES therefore encourages all member states to make their PSC services available in at least one additional EU language, logically English. This should not only apply to information provision, but also to the completion of formalities.

- **A missed opportunity to cut red tape**

While administrative simplification is one of the clear objectives of the directive, some Chambers argue that this particular aspect of the directive has not received adequate attention. Indeed, the Services Directive bears the potential to simplify administrative structures and shorten procedures to the benefit of public administrations and businesses alike.

EUROCHAMBRES urges the Commission and the member states to focus on this specific aspect and to consider the directive's provisions also in the framework of the EU Better Regulation agenda.

- **Raise the visibility of the directive, particularly at national level**

Besides continuing with implementation efforts, particularly in those member states lagging behind, it is now increasingly important to communicate the directive effectively, particularly at national level.

EUROCHAMBRES invites the Commission to interrupt its recent silence with regard to the directive's implementation, and to organise a 'Services Directive Day' and awareness-raising campaign, together with Chambers and other business organisations. Chambers will play their part at national, regional and local level to raise businesses' awareness of the possibilities that the directive creates.

Overall results

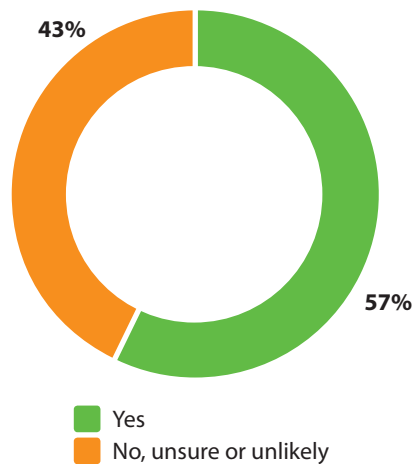
– view across the Chamber network

QUESTION 1

Member states should be about to complete the Directive's implementation, fully as well as correctly. Do you believe that your government will meet the 28 December deadline? If yes, do you anticipate that all of the directive's provisions will be properly implemented by then, from a qualitative point of view? If not, which provisions represent the main obstacles to the completion of the directive's implementation?

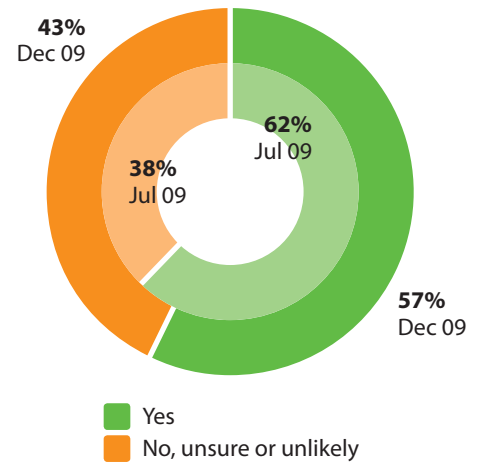
In December 2009, nearly half of EU Chambers were unsure, sceptical or negative on the full and correct implementation of all the directive's provisions (legal and operational) in their country by the end of month deadline. [Graph 1] Worryingly, this represents a deterioration in the Chambers' perception compared to July 2009, at a moment when member states should have completed the directive's implementation. [Graph 2]

Graph 1
Full and correct implementation by 28 Dec 2009



Graph 2

Full and correct implementation by 28 Dec 2009 – comparison Jul 09-Dec 09



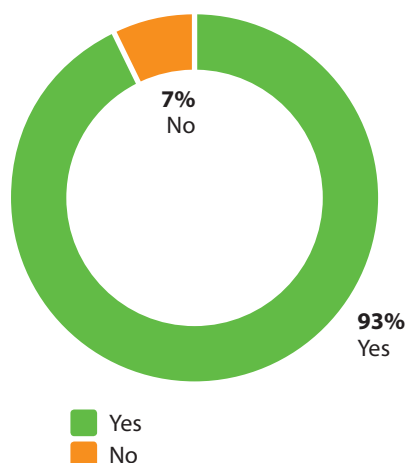
This negative perception is due to various factors. In some countries the process of implementation is the victim of **political or legislative deadlocks** (Austria, Greece, Luxembourg, Poland, Portugal and Slovenia). In other countries, particularly those characterised by multilevel governance and complex federal structures, cooperation on transposition and implementation between different levels is proving difficult (Belgium). Several Chambers underline that it is currently the 'quality' of the operational dimension of the directive's implementation which is disappointing (France, Italy). Some countries underline persisting difficulties related to specific provisions, such as **electronic procedures** (the Netherlands, Spain and others). Chambers in other member states underline the difficulties linked to the full operability of the PSC for regional and local authorities (Sweden, UK). Many Chambers still underline that some aspects of the directive are not receiving adequate attention, such as the **simplification of administrative structures and procedures**.

QUESTION 2

Points of Single Contact (or Single points of contact): What is the essence of the approach chosen by your government with regard to the PSC – in particular as regards the possibility to effectively complete procedures through the PSC? Is the Chamber network involved? If so, how? Will the PSC(s) in your country provide for information and for completion of formalities in other languages other than yours? If so, which ones?

By December 2009, a great majority of member states have developed their approach for their PSC(s). [Graph 3] **This is broadly in line with the results of July 2009.**

Graph 3
Indication of a preferred approach for the PSC – Dec 09

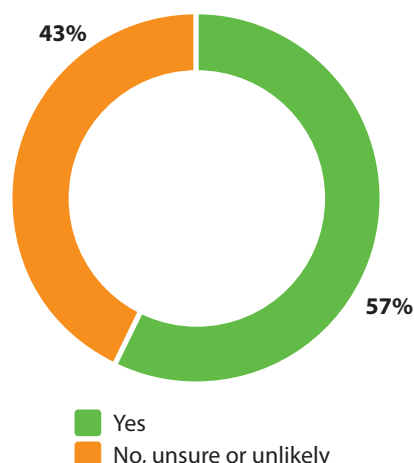


Member states are adopting different models with respect to the establishment of the PSC. Nevertheless, today, at the end of the three-year implementation phase, **a comprehensive model for the PSCs is the choice in virtually all countries.** In some countries, the work to set up the PSC has only recently started. **On the operational side, this explains why some EU member states have not yet completed their basic PSC preparations (Greece and Slovakia for example).** Beside the late start of preparations, delays are mainly due to challenges encountered vis-à-vis the electronic functioning of the PSCs and electronic interoperability.

EU countries are opting as much as possible to build on existing structures, such as BusinessLink in the UK, 'antwoord voor bedrijven' in the Netherlands, the 'CFE' network in France, the 'impresa.gov' website in Italy, 'Portal da Empresa' in Portugal, the pre-existing 'one-stop shop' system in Slovenia etc. These will either fulfil the role of PSC or will be part of its structure.

In over 40% of EU countries, European Chambers are directly involved in the structure of the PSC [Graph 4]. Chambers in some countries (in France, Italy and some German regions for example) have been chosen as part of the PSC structure, whereas others will play a specific role in the framework of the services provided by their national PSC(s), for example providing the physical/phone helpline for businesses (UK).

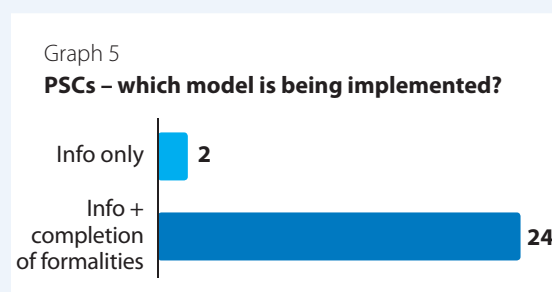
Graph 4
Chambers' involvement in the PSC – Dec 09



Chambers perceive that member states have now realised the extent of the issues related to electronic administration and interoperability, and work in this field has generally intensified. However, Chambers are critical of persisting problems, mainly due to different and non-integrated electronic models and structures adopted in various countries and to the electronic interconnection of PSCs, both within a country and cross-border. These problems are clearly demonstrated by the still patchy functioning of the Commission 'EUGO' portal (http://ec.europa.eu/internal_market/eu-go/) which connects all national PSCs. Problems related to the recognition of certified e-mails, e-signatures, qualified e-signatures (required in some EU countries and not in others) seem to have eased in the past

six months. This might also be due to the creation of national 'trusted lists' of certification-service providers issuing qualified certificates.

Nearly all EU countries are developing PSC(s) that both provide information and facilitate the completion of formalities [Graph 5]. Some countries have clearly opted for the 'facilitator' PSC model, namely a lighter structure which would direct/liaise between the service provider and the relevant administration/body (Netherlands, Finland). Chambers in some countries criticise persisting difficulties in ensuring the possibility to complete procedures online, for example the fact of providing previously paper-based forms and documents in electronic format (France).



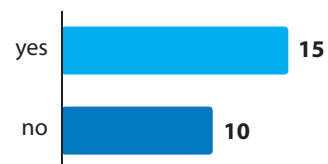
In some countries, the PSC is established at different levels of public administration, including regional and local authorities which are responsible for issues regulated by the directive in some member states (e.g. in Germany, Italy and Austria). In Italy for example, municipalities are responsible for the PSCs but they can delegate their management to the local Chambers. Overall, **member states are split between decentralised and centralised PSC structures, even though each country has provided for a single electronic point of entry into the national system** [Graph 6].

Graph 6
PSCs – centralised or decentralised structure



PSC(s) in several member states (Denmark, Netherlands, Finland, Cyprus, Sweden etc.) will provide services in a language other than theirs, normally English. Some other countries (France, Italy and some German regions, for example) are considering the option of offering at least basic information (but not necessarily the option to complete formalities) also in English. Even though more member states are now starting to address the language issue, today a significant number of countries are set to provide PSC services only in their official language(s) [Graph 7]. This may deter businesses from doing business cross-border and put member states at a competitive disadvantage vis-à-vis those that will provide services in other languages.

Graph 7
PSCs – provision of additional languages



QUESTION 3

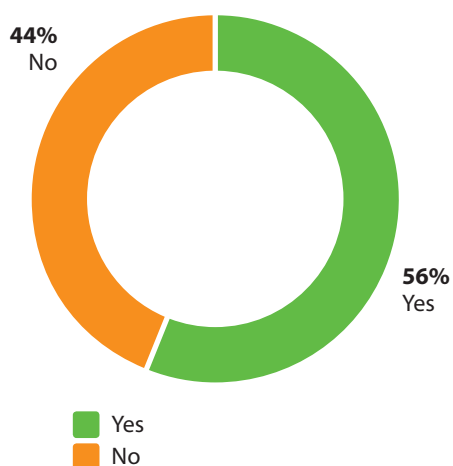
Screening: Has your government completed the screening of existing national legislation to ensure that it does not enter into conflict with the Services Directive's purpose and practice? If not, what has not yet been done? Was the Chamber network involved in the process? How?

The legislative screening has been fully completed and horizontal laws to incorporate changes into the national legal orders passed only in about half of EU member states [Graph 8]. About one-third of member states, such as Greece and Ireland for example, have not yet fully completed their legislative screening. In a number of other countries, the legislative screen-

ing process has been concluded, but the adoption of horizontal legislation to integrate changes into national law is blocked or delayed (Austria, Cyprus, Luxembourg, Portugal etc). In some countries, the screening exercise started as recently as in early 2009.

Graph 8

Has your government completed the screening and adopted the relevant modifications? – Dec 09



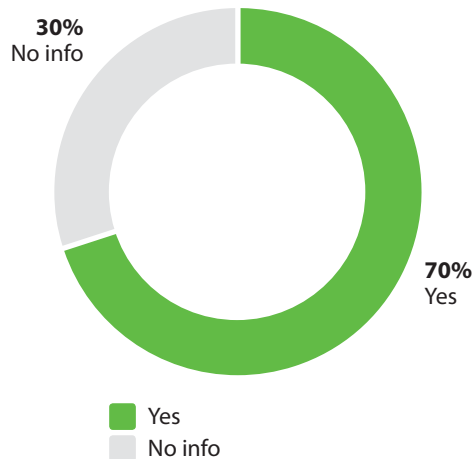
QUESTION 4

Mutual Assistance: What is your national approach to establishing 'mutual assistance provisions' across the EU? Was the Chamber network involved? How?

Chambers are generally not involved in mutual assistance provisions. However, a significant proportion of Chambers are informed about the existence of mutual assistance provisions in place [Graph 9], and refer mainly to the **Internal Market Information system (IMI)**, the electronic network for the communication between competent authorities in different member states, which has been set up and recently integrated into the Services Directive's structure. Several Chambers registered progress related to the IMI integration in their administrative systems and in some member states, the Chamber network is involved in the IMI testing phase (e.g. Germany, Greece, Hungary, Italy and the Netherlands).

Graph 9

Mutual assistance provisions in place – Dec 09



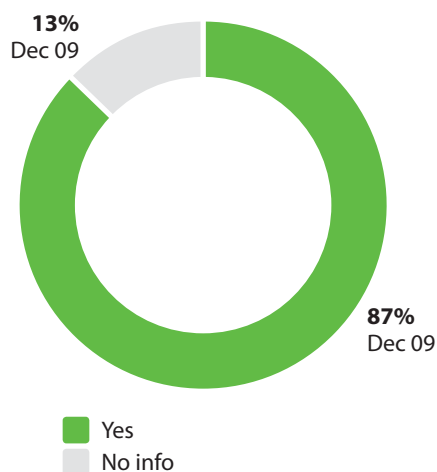
QUESTION 5

Are you aware of your national government's representatives talking to other EU states about collaboration during the implementation? How is your government approaching the 'mutual evaluation' phase currently starting?

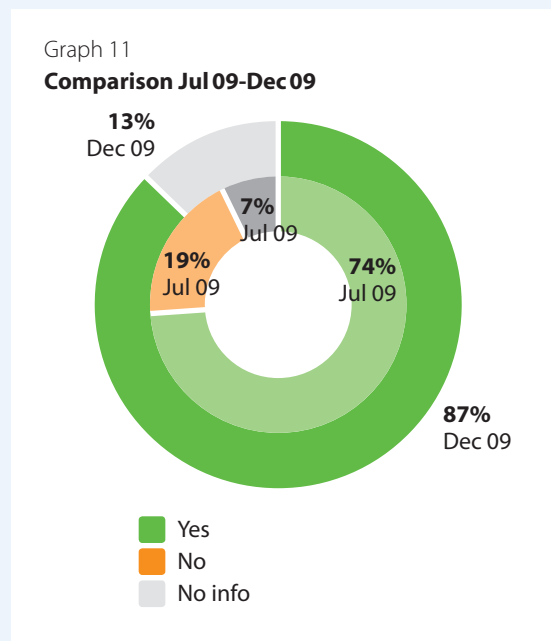
Most national Chambers acknowledge some degree of cooperation between their national authorities and those of other countries. [Graph 10]

Graph 10

Question 6: Dialogue between your government and other EU states – Dec 09



Chambers registered intensified bilateral and multi-lateral dialogue between member states (74% in July 2009 compared to 87% in December 2009). [Graph 11]



This collaboration took the form of:

- Official **expert group meetings** organised by the European Commission
- **Informal meetings** on the organisation and establishment of the PSCs jointly organised by some EU countries (so-called 'Jamborees')
- **Multilateral gatherings**, for example in the framework of the Nordic-Baltic regional cooperation group for the Services Directive
- **Bilateral meetings** with other (normally neighbouring) national authorities: among the most active EU countries in this respect are the Netherlands, Denmark, France, Sweden, Cyprus and the UK.

All countries have already been assigned to a cluster group together with other counterparts in the framework of the 'mutual evaluation' exercise starting in early 2010 and some Chambers indicate that practical preparations for the mutual valuation phase have started. Austria, for example, will be part of a group with the Czech Republic, Slovakia, Slovenia and Hungary, while Cyprus will be with the UK, Ireland, Greece and Romania. Another group will be made up of Denmark, Germany, Poland, Iceland and Norway. Meanwhile, some Chambers (Sweden for example) lament their government's lack of preparation for the mutual evaluation phase.

QUESTION 6

Are you aware of specific areas that present obstacles and on which governments and institutions alike should focus their efforts, particularly with regard to requirements applied in your country to the establishment of service providers (for instance authorisation procedures or other conditions you need to comply to be able to engage into a service activity) or to the cross-border provision of services (for instance specific conditions imposed on service providers from other Member States before they are allowed to provide a service on a temporary basis – as the obligation to make a declaration)?

A number of national Chambers identified areas presenting obstacles to the establishment of service providers or for the cross-border provision of services. These include:

- **Belgium:** the federal Law on commercial establishments, which currently includes a number of requirements that are considered to be unnecessary and/or disproportionate;
- **Denmark:** some compulsory applications are connected to a fee. For example, service providers who wish to enter the Danish market as electricians must pay a fee of more than €100;
- **France:** one point of concern could be delays in the delivery of authorisations to businesses. Article 13.4 of the directive specifies that an authorisation can be suspended as the legitimate interest of a third party may be harmed and disputes may arise. The interpretation and application of this provision will be key, as delays should be exceptional and not permanent;
- **Netherlands:** Dutch Chambers highlight potential problems as a result of the lack of general provision for uniform cross-border identification and authentication. Moreover, there is currently no EU level provision for cross-border checks on the authorisation of, for example, a board member or an employee of a company.

Detailed results

– the national Chambers' perspective

Legends:



= good implementation



= average implementation



= bad implementation

Austria ☹️

- 1 There will be no complete implementation by 28 December 2009 because the parliamentary adoption of the Austrian 'services law' is blocked by the opposition parties.
- 2 One PSC will be established within each of the nine Austrian regions (Länder). Before the entering into force of the Austrian 'services law', Austrian PSCs exist and provide information on a de facto basis. Austrian PSCs can be contacted via: <http://www.eap.gv.at/>. The information to be provided by and the procedures that can be completed through the PSC once the 'services law' has entered into force will be limited to the scope of the Services Directive. Information provision and procedures will be in German. WKÖ (especially our one-stop-shops for start-ups) will cooperate with the PSCs.
- 3 The screening has been conducted by every Ministry/Authority within its respective field of competence. The screening is completed and the results have been forwarded to the EC. WKÖ was involved in this process and consulted on legislative changes.
- 4 Work is in progress with the aim of further developing the Internal Market Information System (IMI). The Austrian draft 'services law' contains provisions on administrative cooperation. WKÖ is regularly informed and consulted.
- 5 Austria takes part in the expert group meetings organised by the European Commission. From time to time, there are meetings with representatives of the European Commission in Austria to discuss different topics. Furthermore, there is close cooperation with Germany. In the mutual evaluation process Austria will make up a group with the Czech Republic, Slovakia, Slovenia and Hungary. Procedural details still need to be agreed upon.
- 6 The real involvement of representative business organisations in the mutual evaluation process and business friendly PSCs will be crucial for the Services Directive to prove successful.

Belgium ☹️

- 1 At federal level, the following legislative initiatives have been taken: a) Law on PSCs (modification of the law of 16 January 2003 with reference to the 'Banque Carrefour des Entreprises' and to the 'Guichets des entreprises'): the tasks of the PSC and the necessary legislation have been adopted in order to let the 'Guichets d'entreprises' take over the role of PSCs. This law was submitted to and voted by the Belgian Parliament; b) the federal government is committed to have the Horizontal Services law approved by the first quarter of 2010. The Vertical Services law has already been adopted by the Parliament in December 2009.
- The main obstacle to the implementation is the complex Belgium state structure, which requires a cooperation agreement between the federal and regional governments for some aspects of the transposition, such as the implementation of the PSCs. The discussions about the cooperation agreement for the PSCs will not be finished on time, which implies the adoption of temporary measures.
- 2 The 'Guichets d'entreprises' established in 2003 have been entrusted with the role of PSCs.
- The entrepreneurs can contact them for advice and to complete administrative formalities. In some cases these offices will process the dossier directly, whereas in other cases they will fulfil the function of mailbox for the relevant authorities. The 'guichets' will be able to consult all the necessary procedures that an entrepreneur needs to complete through a content management system, to provide the entrepreneur with the correct information.
- The Flemish government has opted for a PSC concept with a front office (i.e. 'guichets d'entreprises'), a middle office (i.e. 'Enterprise Flanders') and several back offices. Simple procedures will be dealt with between front and back office, whereas more complex ones will require the involvement of the middle office. A digital process manual of all procedures is currently being prepared by Enterprise Flanders. Chambers, beside other organisations, will host a 'guichet d'entreprises'.

Bulgaria ☹

3 The screening at federal level has been completed. The Belgian federated entities have also completed it or are close to do so. Chambers are not involved in the screening process.

4 The orientations announced in November 2008 are confirmed. In order to guarantee the operability and the efficiency of the IMI network at Belgian level, a cooperation agreement amongst all the governments in Belgium will be signed. The Flemish Region considers the Commission's 'cluster approach' aggregating 5-6 countries in order to compare the results of screening, as a pragmatic and useful way to rapidly identify divergent results and potential sources of conflicts. Chambers are not involved in the mutual assistance procedures.

5 Besides the participation by the federal level at the expert meetings for member state representatives, the efforts of the federal authorities are mainly concentrated on the execution of internally agreed measures rather than on the search for external co-operation. Such co-operation might be organized, if necessary, in the framework of the IMI implementation. At Flemish level, contacts have taken place with the Dutch administration on the screening methodology and on the Service Impact Test.

6 For the moment, both for the establishment of service providers and for cross-border service providers, the demonstration of necessity, proportionality and non-discrimination of existing or modified regulations might set obstacles: work in this area is not yet completed.

Another area which is considered as problematic is the Federal Law on commercial establishments, which currently sets a number of criteria that are considered to be unnecessary and/or disproportionate.

1 We believe the Government will respect the deadline of 28 December 2009 for the directive's implementation. Anything will be done for all the directive's provisions to be implemented, even if some of them require more time, particularly with regard to electronic solutions. The Government, also in the context of the crisis, is reforming systems and their interaction, for instance creating an integrated information system between the Customs Agency and the Revenues Agency.

2 The question of the PSC(s) – 'one-stop service' in Bulgaria – continues to be an unresolved problem, especially with regard to implementing the requirements of the existing regulatory framework. As regards the services performed by the Bulgarian Chamber of Commerce and Industry – all services within our competence are automatically done from everywhere in Bulgaria, through the Regional Chambers of Commerce, part of the BCCI's Unified System.

At national level a process to develop the use of electronic signatures is currently in place, for example at the Registry agency, the revenues agency and the national statistical institute.

3 No answer given.

4 No answer given.

5 No answer given.

6 At this stage there are no signals of unconformity between the legislation in place and the Services Directive.

Cyprus ☹️

1 Cyprus will make every effort to respect the deadline and implement properly all the provisions of the Directive.

2 Right after the Council of Ministers Decision of 9 July 2008 for the upgrading and expansion of the One Stop Shop, for it to serve as the PSC, the Ministry of Commerce, Industry and Tourism has been working towards its implementation.

A single electronic PSC web-portal has been designed in such a way that the user can easily identify all procedures and formalities that are relevant to his/her specific service activity. It also allows for the download of forms and applications, to apply online and to track the progress of applications. The information content is currently being edited and translated into English. Efforts are being made to have as much pertinent information available as possible on the portal at the end of 2009. The electronic PSC interface will be combined with the physical infrastructure of the existing One Stop Shop, which is currently operating within the Ministry of Commerce, Industry and Tourism. It will not take any decisions relating to the granting of authorizations or other procedures but will liaise between service providers and competent authorities. The Chamber network is not directly involved because it is not a licensing authority.

3 The screening of existing national legislation has almost been completed, with the few outstanding issues which are expected to be clarified shortly. The screening involved the competent authorities concerned, the Law Office and the Planning Bureau through regular meetings of the relevant working groups. The Chamber network participates in the Working Group of the Ministry of Commerce, Industry and Tourism. In the meantime, a horizontal legislation for the transposition of the Services Directive into the national legal order has been approved by the Council of Ministers and tabled before the House of Representatives for adoption, following consultations with all parties concerned, including the Cyprus Chamber of Commerce and Industry.

4 The Planning Bureau is the IMI Coordinator (DIMIC) for the Services Directive, while the Ministry of Commerce, Industry and Tourism continues to be the National IMI Coordinator (NIMIC) as is the case for the Directive on the Recognition of Professional Qualifications. The decentralised model will continue to apply whereby the competent authorities will be exchanging requests directly with their counterparts in other countries. An IMI helpdesk set up by NIMIC while DIMIC has sent to the Commission the necessary information on all relevant National Registers to be used as link in the IMI. Eight competent authorities have been registered by DIMIC in IMI-Services for the purpose of the pilot project and their first users participated in a conference organised by the Commission in February 2009 in Brussels and underwent training in Cyprus in May. A number of fictional cases were exchanged between the competent authorities of Cyprus and those of other member states. Since the operational start of the self-registration function, an additional 65 competent authorities were either registered for or given access to IMI-Services, thus bringing the total number to 73, expected to rise shortly to 78. A new training seminar for users took place from 14 to 17 December 2009. Meanwhile, the 3 Alert Coordinators, for health, safety and environment issues respectively, have been identified and will be trained accordingly. The Chamber of Commerce and Industry was not involved.

5 Other member states have been contacted to exchange information and best practice. With regard to mutual evaluation, clusters have already been formed by the Commission to facilitate the process. Cyprus is in the same group as the UK, Ireland, Greece and Romania. Discussions within the group have already started, setting the framework for the necessary work to be done for mutual evaluation.

6 Any legal or administrative elements which are incompatible with the directive with regard to both the establishment and the cross-border provision of services, will either be abolished or amended in a way that would make them compatible or duly justified in accordance with the Directive's provisions.

Czech Republic 😊

1 Yes, The Services Directive has been fully transposed into Czech legislation. We believe that implementation is full and correct also from a qualitative perspective. The directive has been transposed by an Amending Act and by the Law on free movement of services in January 2009. The Amending Act contains 36 amendments. The Law deals with cross-border provisions, recognition of duties and documents, insurance, procedure of tacit approval and PSCs.

2 The government approach is to give competence for the PSC to the so-called Central Points of Registration. This network consists of 15 contact points by Trade Licensing Offices in all regions and in Prague plus a central contact point based at the Ministry of Industry and Trade. The government view is that this is the most effective way to proceed, taking into account costs, capacity and the will to eliminate the risk of possible infringement procedures, compared to the option of allocating to non-governmental bodies the functioning of the network. The capacity of the Trade Licensing Office employees to deal with this subject and e-interconnection of PSCs will be very challenging for the Ministry of Trade and Industry. CCC is not involved in this network, even though it has lobbied hard the Ministry of Trade and Industry to administer the PSCs in the Czech Republic.

3 The screening was a fundamental part of the Directive implementation. CCC was not involved in the process.

4 PSC within Europe should cooperate as much as possible. CCC is not involved in the process.

5 We are not aware of possible cooperation with other countries during the implementation. The Czech Government is prepared well for the mutual evaluation phase.

6 The Czech Services Code was prepared by a qualified working group and there should be no problem with its application.

Denmark 😊

1 Yes. We believe that the implementation will be carried out successfully by 28 December and the quality of the chosen solutions will be high.

2 We have had a presentation of the Danish web platform for the PSC and it looks very solid. Everything has been translated into English (there are a few exceptions which will be corrected or translated into English). The web address is: www.businessindenmark.dk. Furthermore, there is no need for digital signatures or other digital security. Applications can be submitted by printing the application form from the relevant website, signing it, and sending a scanned version of the application by e-mail to the relevant authority. The Danish Enterprise and Construction Authority has chosen not to establish a physical PSC, and everything in relation to the application process can be done via the web platform.

3 The government and the relevant ministries are finalising their screening process in December 2009. The Chamber has not been involved in this process.

4 We do not know and there is no Chamber involvement on this issue.

5 The Danish Enterprise and Construction Authority has had a dialogue with Sweden, the UK and the Netherlands. In the mutual evaluation, Denmark will team up with Germany, Poland, Iceland and Norway.

6 One potential obstacle which the Danish Enterprise and Construction Authority is aware of, is the fact that some obligatory applications are connected to a fee. For example, service providers who wish to enter the Danish market as electricians, must pay a fee of more than €100.

Estonia ☺

- 1 All preparations are in line and the directive will be fully implemented. The essential requirements will be met also from a qualitative point of view. However, in practice some provisions will need to be improved further after the deadline has passed.
- 2 The Chamber is not directly involved in the PSC(s) structure. The PSCs should have full functionality and provide all information and services according to the directive.
- 3 The process is mostly completed and we believe that there will be no conflicts. However, the modernization of some legal areas will continue further in 2010.
- 4 Mutual assistance is coordinated by the Ministry of Economic Affairs. The Chamber is not directly involved.
- 5 We have information about some collaboration but not in detail.
- 6 There are no specific areas to be mentioned.

Finland ☺

- 1 The general law of the services has been enacted by the President on 22 December 2009. The Law took effect on 28 December 2009. The provisions of the directive have been implemented as properly as possible.
- 2 In Finland, a new section of the Enterprise Finland online service portal will act as the PSC, where all information essential to establishing and running a business in the service sectors in Finland will be gathered. A telephone service by Enterprise Finland will support the online platform. Actual transactions will still be conducted with the appropriate competent authorities. The Chambers of Commerce are included in the list of service providers. Furthermore, the online service will provide access to other EU/EEA member states' PSCs. Initially, the PSC for service businesses will be available in Finnish, but in the course of January 2010 the service will be expanded to provide identical services in Swedish and English.
- 3 The screening has been completed. Each Ministry is in charge of the necessary sectoral changes.
- 4 The Chamber of Commerce is not involved. The Consumer Agency has been chosen to be part of the network for the communication.
- 5 There have been several platforms for the government's representatives to share experiences with the other countries.
- 6 No specific obstacles have appeared.

France ☹

1 Yes. However, we fear that the full, qualitative, dimension of the PSC may not be delivered, as the treatment of business formalities is unlikely to be completed. At the same time, the provision of information to businesses seems on track. The full dematerialisation of procedures throughout the process requires further work: many dossiers still have to be filled on paper and the Prefecture's authorizations continue to be delivered in print.

2 Since the last survey, an association was set up in July 2009, bringing together 5 networks (out of 7) that act as Centres for Business Formalities – including French Chambers of Commerce and Industry represented by the ACFCI; the National Agency for Business Creation (APCE) as well as the National Institute for Industrial Property (INPI). The association mutualises resources (both financial and human) with the objective to unify electronic systems and to open the French PSC by 28 December 2009, offering one point of entry to businesses whatever the sector of the service provider. The association is headquartered at the ACFCI in Paris and managed by Jean-Paul Tourvieuille, Director at the ACFCI in charge of the PSC programme. It is chaired by the President of the Council of the Business registry (which is held by officers of the courts in France). The ACFCI holds the Vice Chair.

The architecture of the PSC is as follows:

- A front office, provided by the CCI 'brick' called CFE Net (a web based portal allowing to file a request and set up a dossier).
- A 'cross road' element i.e. a system allowing for the monitoring of the dossier being constituted, for storage of information and for the distribution of work to the relevant services.
- A back office, where the dossier is dealt with (business registration, delivery of authorizations where relevant etc.).

Chambers of Commerce and Industry defend a highly qualitative approach for the PSC and deplore the fact that the process cannot be fully dematerialised at this stage (for example, too many forms simply do not exist other than in paper form at local Prefectures).

The issue of languages was raised recently and an English version of the PSC should soon be available, covering basic information; yet, many forms do not exist in English or cannot be treated.

3 We have limited information on the screening but understand that work was completed. Chambers of Commerce and Industry have not been involved.

4 Chambers of Commerce and Industry in France are competent on certain aspects and can, in the frame of the Internal Market Information mechanism, be contacted by Member States and transfer information (e.g. whether a broker in wine or a non-sedentary trader holds the necessary authorizations, which are delivered by the Chambers).

5 We are aware of the European SPOCS project on the interconnection of the PSCs. We have no comment on the mutual evaluation phase.

6 We find the issue of proper dematerialisation of all procedures of great concern and the gap between public authorities competent for the directive's implementation and the private sector is growing. The latter have shown much more reactivity. Time is running out.

Another point of concern is the delay for delivery of authorizations to business. Article 13 § 4 of the directive specifies that authorizations can be suspended as the legitimate interest of a third party may be harmed and disputes may arise. We would want to trust that the French implementation of the Services Directive will not occur on this basis; delays should remain the exception and article 13 should not be interpreted as to create permanent exceptions.

Germany 😊

1 We believe that Germany will meet the deadline. There will be different models of the PSC in the German federal states (Länder). In the first place there will be a learning process, driven by the expectations and questions of entrepreneurs and companies. We hope that cross-border activities – short and long term – will be significantly easier than before.

2 There are different approaches for the implementation of the PSC. In some of these models the Chamber network is involved in the front office (in 30 out of 80 Chambers). The other Chambers are involved in the administrative processes of the PSC as well. Some of the PSCs will provide services in English language.

During the directive's implementation process, the Chamber network was also involved in a national eGovernment project called 'Deutschland Online'. In 2008 the project has developed a proposal concerning the electronic workflow between the PSC(s) and the state institutions. Based on that proposal, a working group gathering representatives from all regions meet regularly to discuss the state of the technical and administrative implementation.

3 Yes.

4 In some federal states the IMI-System is currently being tested. The Chamber network is involved in this testing phase

5 We don't know about cooperation with other EU member states.

6 No answer given.

Greece 😞

1 Taking into consideration the current situation, most probably Greece will not meet the 28 December deadline. The horizontal law has not yet passed by the Parliament because of the restructuring of the Greek civil administration after the General Elections of October 2009. However, it is one of the legislative priorities of the new Government. As far as the screening is concerned, the process is due to be completed soon. Several Ministries have started to upload the results to IPM.

2 The Government aims to ensure that all procedures and formalities related to access to a service activity, to be easily completed at distance by electronic means. The new structures have not been fully developed yet.

3 The screening of the existing national legislation is due to be completed soon. However, any amendments to the legislation will be effective after the horizontal law is adopted. The screening is the responsibility of the Ministries which supervise services sectors. According to our knowledge, the Ministries involved in the screening have cooperated closely with the relevant Chambers.

4 The Ministry of Economy, in its competence as National IMI Coordinator (NIMIC) for Greece, has cooperated closely with several professional Chambers as well as the Union of Hellenic Chambers of Commerce. They have actively participated in the training programs for IMI.

5 Greece has agreed on the main principles of 'mutual evaluation' elaborated by the European Commission. Greek public administration has started preparing for the process, which will start in January 2010.

6 We prefer to have the final results of the screening in order to have a full picture of the current situation. We believe that soon we will be able to inform our partners using concrete data.

Hungary ☺

1 The Hungarian government respects the deadline of 28th December 2009 set for the implementation of the directive and tries to implement every aspect of the directive properly from a qualitative point of view. The full directive's implementation is a clear governmental aim and the implementation is going to be completed by the deadline. To ensure the correct operational functioning of the directive's provisions, its adequate implementation is necessary by the agreed deadline. We thus consider important that every Member State satisfy this requirement for which they expressed their political commitment.

2 Given that the PSCs should work electronically, after an extensive negotiation between the governmental organisations and the professional business associations, it had been decided to make use of the existing government web site www.magyarorszag.hu. A study on the PSC's possible options was completed in 2008. The government passed a special project financed with EU resources to ensure the financial resources necessary for the realization of the system in March 2009. In the framework of the special project - part of the approved Electronic Administrative Operative Program - the preparation for the public procurement processes started. The aim is that every information and form can be obtained not only in Hungarian, but also in English after 2009. The Hungarian Chamber of Commerce and Industry and the Budapest Chamber of Commerce and Industry have been consulted about the possible role of Chambers in the set up and activities of the physical PSC, but they were not finally included in the realization of the project.

3 As a result of the legislative screening in 2007-2008 there is a final screening list, which includes the legal regulation which should be repealed, modified or completed. The Ministries had a schedule for doing so. On 22nd June 2009 the Parliament voted a law on starting and conducting a services' activity (framework law) and a second law on public authority administrative processes and services. The first one implemented - third among EU Member States - the horizontal measures of the directive while the second one - as a result of the screening process - integrates the relevant legislative changes. Hungary is among the first Member States also in this respect. The second abovementioned law entered into force in July 2009 and the framework law on 1st October 2009, thus about 3 months ahead of the implementation deadline. This provides enough time for the harmonization of sectoral rules. The concerned governmental regulations were modified by one governmental law which entered into force on 1 October 2009. The screening list was sent to the Hungarian Chamber of Commerce and Industry.

4 Cooperation between authorities plays an important role in the operational implementation of the directive. Its technical base is the IMI, the directive pilot project module, developed by the Commission, which started to operate in March 2009. The information exchange is assured by the system since April 2009. Hungary actively participates in the testing of IMI, every competent authority concerned by the pilot project was registered in the system and was trained by the specialist of the Commission in March 2009. Since April Hungary actively tests the general information exchange function of IMI by sending and answering requests. The building up of the Member States' structure of the IMI system is also a part of the implementation of the directive. In Hungary, the competent authorities to be included in IMI were identified on the basis of the screening list. Possible models to set the home structure and the role of the authorities participating in the pilot project were assessed. On the basis of the authorization of the services framework law, a governmental order on the rules of IMI will enter into force on 28 December 2009. The Hungarian Chamber of Commerce and Industry was involved in mutual assistance provisions across the EU and the exchange of information concerning the construction industry will be done by the HCCI.

5 Since the start of the implementation there have been regular meetings organised by the Commission gathering specialists from Member States dealing with the implementation of the directive. During the meetings, the Member States' representatives get guidance and advices concerning the strategic questions and share best practices. Officials from the Hungarian Ministry of Foreign Affairs participate in these meetings regularly. Hungary wants a successful mutual evaluation process in 2010. This is why Hungary supported the Commission methodology, with three main phases of the process and a clusters' approach. At the same time, Hungary insists on the importance of bilateral exchange of information especially with those Member States which are particularly important for Hungary but are not in the same cluster. Hungary is going to fulfil the special notification through IPM means which is the base of the common evaluation process by 28 December 2009.

6 The services framework law which implemented the horizontal measures of the directive has been in force since 1 October 2009 and stipulates that the prescriptions of requirement/authorization system of cross border services and services offered by settlement must be in conformity with the directive. As a consequence, in the Hungarian legal system, modified on the basis of the screening, the two above cases were separately regulated and the requirement stipulated under points 9 and 16 of the directive can be used only if it was stipulated by the highest level law (with suitable justification and reporting obligation towards the Commission and the other Member States). Regarding cross border services, they can be offered without restriction. The former authorization systems are going to be replaced by notification introduced by the framework law and determined in departmental orders, or in certain cases all kind of regulations are going to be repealed. The service provider can start and practice an activity by accomplishment of the notification and without the need to wait neither for the confirmation of the notification, nor for the registration. The parts of the Hungarian legal system concerned by the directive were harmonized with the provisions of the directive as a result of the screening process.

Ireland ☹️

- 1** Transposition of the Directive will continue into 2010 and will be completed at the earliest possible date.
- 2** The National Point of Single Contact (NPSC), which is currently being constructed, will be the mechanism through which service providers can use their rights under Article 6 of the directive. The NPSC will be operational by the end of the year but will continue to be developed in the future. The Chamber network has not been involved in the construction of the NPSC. The language of the NPSC will be English.
- 3** Screening has not yet been completed but is expected to be shortly. The screening process involved Government Departments (Ministries) and competent authorities.
- 4** The mutual assistance provisions of the Directive will be included in the transposition measures. The Internal Market Information (IMI) System is being extended to include the Services Directive. The mutual assistance provisions will involve the Department and competent authorities.
- 5** Yes. Contacts have taken place with other Member States, bilaterally and multilaterally, since the (then) draft Directive was tabled. Ireland will participate in the mutual evaluation process, which is due to get underway in the New Year.
- 6** The mutual evaluation process may reveal issues and obstacles that need to be looked at following transposition. There are also likely to be bilateral contacts between Member States following transposition, if and where difficulties arise. It is too early to say what, if any, such difficulties will arise.

Italy ☹️

1 Article 41 of Law n. 88/2009 has dictated additional criteria and principles for the ratification of the Services Directive. Such delegating principles have been presented beforehand to the regions, which have exclusive responsibility for many of the services falling within the scope of application of the directive. As far as the State is concerned, the directive has been ratified through a single legislative decree containing general principles and regulations, on 17 December 2009. However, we believe that the implementation will not be completed, at least from a qualitative point of view, by December 2009.

2 As required by the Enabling Act (not yet published) of Art. 38 of the financial law 2008, one stop shop on economic activities is identified as the only relevant public structure for all procedures related to the lifecycle of economic activities (products and services). Municipalities are responsible for PSC, but they can delegate to the local Chambers of Commerce. In any case, the latter will manage (with the National Association of Municipalities-ANCI) the 'impresainungiorno' portal (the IT structure supporting the PSC) which will become the point of contact at national level under Article 6 of Directive 2006/123/EC. A feasibility study will decide on the possibility of offering some information/services in English.

3 The state administrations completed surveying the authorisation systems and the requirements for accessing and exercising the services for which they are responsible, and, after an evaluation of the findings, completed the listing of the amendments by sector of activity to be included in the legislative decree to ratify the directive. A special Technical Panel including representatives of government and the unions will contribute to the prompt review of the legislative decree for the amendments deemed appropriate. The state administrations are working closely with the regions in order to conclude the regional screening as soon as possible. A priority-processing procedure has also been created to facilitate the online completion of the European Commission's report on the outcome of the screening (as provided by Article 39 of the directive), and to allow the regions to participate in the IMI network.

4 Italy is following the developments of the Internal Market Information System (IMI), the administrative cooperation network between the authorities of the different countries having responsibility for the directive's implementation. The Department for the Coordination of EU Policies is acting as the national coordinator of the IMI network and as 'trainer' for the various responsible authorities. Unioncamere was appointed as 'competent authority' of IMI on behalf of the Chambers of Commerce.

5 Meetings with other delegations on specific issues are organised in Brussels. Italy also participates to technical assistance meetings promoted by the Commission.

6 The decree specifies many details and solves existing problems, especially with regard to cross-border provisions. In any case, the principle of mutual recognition will be applied.

Latvia ☹️

1 The Services Directive will not be fully implemented in Latvia by the set deadline, i.e. 28 December, 2009. The measures to be taken in order to complete the implementation include harmonization of legislation (the Law on Regulation of Economic Activities in the Services has to be adopted by the Latvian Parliament), and relevant administrative arrangements (PSCs development in regions) shall take place.

2 The PSC concept in Latvia is based upon the development of the web-portal www.latvija.lv, which offers customers both state and municipal e-services. The web portal is generally administered by the MRDLG, and in practice e-services will be available both online and provided via front-office desks at the municipal level. Currently, the catalogue of e-services consists of about 80 state and municipal services to be updated during 2010.

Considering institutions and administrative procedures involved in the provision of requested services, the list measures to be taken and the level of complexity, one of the following service models shall be applicable:

- a) the catalogue of public services – a customer at www.latvija.lv will find the necessary information about the particular service using keywords, and via web links is transferred to the website of the competent authority where such service shall be made available. Please note that the number of state institutions offering e-services is limited, and further progress on this matter is expected over 2010-2011.
- b) Consultations on services not included in the catalogue of public services – the PSC concept proposes that the Investment and Development Agency will act as intermediary in order to ensure the receipt of services not listed in www.latvija.lv. However, consultations are not scheduled for 2010 due to lack of state financing.
- c) e-services – shall be provided and received in electronic form. However, it requires interoperability between the different state registers which shall be substantially improved in Latvia.

The above service models are complementary.

The Latvian Chamber of Commerce and Industry (LCCI) holds weekly meetings with MRDLG officials to discuss the introduction of single access points (front-office desks at municipal level) and progress on the introduction of e-services. The PSC at its current stage provides information only in the official state language – Latvian. However, it is proposed to provide an English translation of www.latvija.lv general information. It is unlikely that the English version will be publicly available in 2010.

3 Based on information provided by the MRDLG's officials, the screening of national legislation is fully made and 69 legislative changes have been identified (27 on harmonization of national laws regarding administrative provisions, authorizations etc; 42 on the introduction of electronic documentation). By 14 December, 24 legislative changes are adopted; 44 – in progress; 12- the drafting work has not started yet.

LCCI is not involved in the legislative screening and drafting process, rather focusing on discussions with competent authorities to ensure a successful PSC introduction.

4 According to the provisions of the draft Law on Regulation of Economic Activities in Services (still to be adopted by the Latvian Parliament), competent authorities shall cooperate with other EU/EEA Member states' competent authorities and market supervisors with regard to control and surveillance issues. Administrative cooperation shall be ensured via the IMI system, and the relevant legislative framework is yet to be adopted by the Cabinet of Ministers. The competent institution for the enforcement of 'mutual assistance provisions' is the Ministry of Economics (Internal Market Department). IMI coordinators are appointed in all ministries.

5 We were informed that collaboration between Latvia and other EU/EEA Member states via the IMI system currently is not very active. The Ministry of Economics informed us on recent information requests from Estonia and Cyprus, MRDLG notified on cooperation with the Swedish competent authorities.

6 Having reviewed the draft Law on Regulation of Economic Activities in the Area of Services, LCCI believes that the Law does not provide discriminatory or more restrictive provisions compared to what is stipulated by the directive. The Law transposes the EU 'single passport' principle, allowing service providers registered in other EU/EEA Member states to provide services in Latvia without additional registration, if the national laws do not stipulate otherwise.

However, numerous measures are still to be taken by the competent authorities for the directive's implementation, including the adoption of the Law on Regulation of Economic Activities in the Area of Services and relevant by-laws, the introduction of PSC front-desk points at municipal level, the set up of an effective and user-friendly e-services system, etc.

LCCI questions the real possibility of fully implementing the directive by the end of 2010 – thus administrative and legislative flaws in the cross-border provision of services involving Latvia are possible in 2010.

Lithuania (not updated)

1 There was a dialogue with officials from the Ministry of Economy of the Republic of Lithuania. The Ministry is rather positive on the participation of Chambers in the process.

2 Two research studies were carried out for the Ministry of Economy:

- business legal regulation: the analysis of permissions, certificates and other documents needed to set up an activity;
- systematic analysis of licensed activities.

The Services Policy Division was established in November 2007 within the Ministry of Economy to deal with the coordination of the Services Directive's implementation.

For the moment the government has not involved the Chamber network in this mechanism. The Association of Lithuanian Chambers of Commerce, Industry and Crafts is exploring ways to contribute to the process.

3 No, our Government has not yet indicated a preferred approach for the PSC but the issue is currently being debated.

4 The Ministry of Economy is establishing a means to screen existing legislation, but the Chamber network has not been actively involved in this process.

5 The Chamber network has not been involved in establishing mutual assistance provisions.

6 We are not directly involved.

7 The question is being considered and concrete obstacles have not been identified yet.

Luxembourg ☹️

1 The Luxembourg government will not meet the deadline. A framework law is due to implement the general principles of the directive. A bill is actually under discussion. The original timing foresaw that the bill should pass by the Parliament before the deadline of 28 December 2009. An amendment has just been presented by the administration of environment. The original bill stipulates that the absence of a response within a 3 months period is deemed as a granting of the required authorisation, and that restrictions to this general principle should be integrated into sectoral law. The amendment represents a severe setback, as it provides now for the very contrary, i.e. that silence means refusal in all cases related to the protection of the 'human and natural environment'. All the so-called operating licences would thus fall under such restriction. In our eyes, such a general restriction is contrary to the fundamental aim of the directive. A timely implementation is therefore impossible by now.

2 The Bill of (framework) law currently under discussion foresees that the two national professional Chambers (Chamber of commerce and Chamber of skilled craft) will each one host a physical PSC-front office. The latter will have privileged access to the Government's electronic/virtual PSC to be notified to the European Commission.

3 Luxembourg's Government has finished the stock-taking and the screening of the relevant legislation. The Government was engaged to present a framework law regarding the directive's impact on the relevant administrative procedures by end 2008. The Chamber network was informally involved.

4 The Government of Luxembourg refers to the IMI system. The Chamber network is not involved.

5 There is no formal bilateral collaboration with other member states.

6 The obstacles are especially linked to the existence of by and large a dozen different administrations that are concerned by the directive. These administrations manage, under different administrative law schemes, the granting of licences and permits. The Government will maintain under the rule of the directive:

- separate business permits regarding the access of an important number of activities and branches;
- separate operating licences regarding the exercise of the majority of crafts;
- the obligation to register with professional bodies even in case of cross-border provision of service.

Malta ☹️

- 1 The Maltese Government implemented, by the stipulated deadline of 28 December 2009, a horizontal act called the Services (Internal Market) Act which was debated and approved by the national Parliament after a second reading held during the parliamentary session of 10 November 2009. All of the directive's provisions have been formally implemented and incorporated into Maltese national law. No specific provisions constitute particular obstacles to the completion of the transposition process.
- 2 In Malta, the setting up of the PSC, both as a physical office and as an electronic platform is progressively advancing. With regard the online facilities, a government tender for the procurement of the e-platform infrastructure and content-development allowing for the direct submission of licence applications and their subsequent authorisation, has been launched in July 2009. Given the timeframes required for the adjudication of the tender, it is not expected that the PSC will become operational before the end of March 2010. In the meantime, the e-Gov portal will be providing all the necessary downloadable application forms linked to the various business authorisation schemes required by local legislation. A final decision on the physical hosting of the PSC is still pending. It is likely that the physical repository of the PSC will be the recently set-up logistics support office within Malta Enterprise - the government's investment promotion agency. It is planned that the online PSC will be providing information in other languages - those of Malta's main trade partners within the European single market. The Chamber is not officially involved in the process of PSC set up in Malta.
- 3 The screening of national legislation was thoroughly conducted in 2009. Nonetheless, some last-minute loopholes were identified when the parent Act was already approved in Parliament vis-à-vis regulations covering specific services activities. These relate specifically to necessary changes introduced only at review and committee stage in relation to the 'Tourism Services and Hospitality Act'. The Chamber was invited for a practical session with the competent authority (Malta Tourism Authority) to obtain a direct explanation of these recent changes. The Chamber is in the process, through its EU office, of publishing guidance notes on these changes to be distributed in conjunction with the Authority's help to all hospitality industry operators in Malta.
- 4 As regards the system of administrative cooperation, this will be based on the Commission's Internal Market Information (IMI) system which is currently in a pilot-project stage and in which Malta is participating together with other Member States.
- 5 The Malta Chamber is not aware of our own government officials being in talks with other EU states on implementation collaboration on the eve of the 'mutual evaluation' phase. The Chamber is however aware of other collaboration initiatives particularly on the interoperability of the PSC between other EU member states, notably the UK and the Netherlands.
- 6 The Malta Chamber is not aware of any specific areas presenting obstacles for the establishment of service providers or of particular obligations. All formal obstacles in the Maltese regulatory regimes have been identified and the implementing provisions align them to the directive's provisions. Examples include commercial agents' licences and the fee structure related to engineering services.

Netherlands ☺

1 The implementation of the Services Directive is on schedule and all provisions are expected to be properly implemented before 28 December 2009. The Dutch PSC ('Answer for business') will open on 16 December 2009 and according to an announcement on the Dutch PSC website, it will be the first operational Services Directive Point of Single Contact in the EU.

Interoperability, identification and authentication of qualified electronic signatures from other member states are however still key challenges. Another challenge is related to the fact that qualified electronic signatures are currently still expensive for SMEs. The Dutch government has thus committed itself within the programme E-recognition for all companies in the Commercial Register to provide electronic signatures at low costs (or even for free). The first companies should obtain these signatures in 2010.

2 The existing initiative www.antwoordvoorbedrijven.nl ('Answer for business') is a one-stop shop for basic information from the government to entrepreneurs (such as laws, regulations, taxes, permits and subsidies) and is designated to integrate the PSC of the Services Directive. From 16 December 2009 service providers and their customers can obtain general information and assistance from competent governmental bodies, such as the Chambers of Commerce, via this PSC. Service providers can electronically complete procedures with competent governmental bodies, such as registering in the Commercial Register or applying for permits, via this PSC. The general information will be available in Dutch and English.

Antwoord voor bedrijven is coordinated by the Ministry of Economic Affairs, and consists of a 'point of entry' with telephone, website, e-mail and chat functionalities and a 'point of supply' with a central online database with content from all information providers such as the Chamber of Commerce, municipalities etc. Each information provider is responsible for its own content. The Ministry has chosen the 'facilitator' model for the PSC (connect to competent authorities).

Member States had the choice to make a PSC for foreign service providers and national service providers. In the Netherlands the choice was made to set up a unique PSC for both.

Via 'answer for companies' it will be possible for businesses to electronically register or update their information in the Commercial Register of the Chambers of Commerce at www.kvk.nl. This will not only apply to service providers, but to all businesses.

Finally there will be a secured message box for communication between competent authorities (via username and password) that can be used to apply for a permit, to ask for information etc.

Together with the Ministry of Economic Affairs, Agency for International Business and Cooperation (EVD), the Dutch Tax and Customs Administration and large municipalities, the Netherlands Chamber of Commerce is part of the steering group (1st line government information) setting up 'antwoord voor bedrijven'.

3 The government's planning regarding the screening has been as follows:

- Establish an overview of which national legislation has a relation with the Services Directive (2006/2007)
- Detailed screening of regulations of every national government department (start 2007 - first half 2008)
- Detailed screening of regulations of decentralized governments (start 2007 - 1 September 2008)

The Ministry of Economic Affairs has provided a manual and forms for the decentralized governments with regard to the screening. There have also been eight regional information sessions to inform local governments about different aspects of the directive.

The Chamber network has so far only been involved with regard to the Commercial Register Act 2007 upon an advisory request of the Ministry of Economic Affairs (In the Netherlands, the Commercial Register is managed by the Chambers of Commerce). This new Act had to be made compatible with the provisions of the directive.

4 The IMI-system will be used to provide mutual assistance in the EU. Our Ministry of Economic Affairs is represented in the steering group. At the end of February 2009 there was a kick-off in Brussels for a European pilot project that will test the existing IMI, extended with questions and procedures regarding the directive. The first Dutch organisations in the pilot have started using the IMI at the end of March 2009. After a brief test phase, the Chambers of Commerce were connected to the IMI in December 2009.

5 DG Markt organises meetings on different aspects of the directive. Parallel to these meetings, bilateral ones were organised, particularly on the PSC. There have been bilateral meetings with the following countries: Denmark, Finland, Germany, Ireland, Poland, Sweden, and the UK. On 20 November 2008, 140 people from 26 Member States & Iceland participated in Brussels at a 'Jamboree' on the implementation of the PSC in the different countries. In 2010 member states will get access to each others' screening reports and, in cooperation with the Commission, an opinion will be given on the measures taken by the member states. On the basis of this opinion, member states will further harmonise their rules.

6 Currently there is no general provision for uniform cross border identification and authentication. Moreover, there is no European or international provision for cross border control on the authorisation of, for example, a board member of a legal person or an employee of a company.

Poland ☹

1 A project of the bill of law regarding the implementation of the main elements of the Services Directive has been prepared by the Ministry of Economics and it will be approved by the government in December. Then it should be sent to the Parliament which may end the legislation process in the beginning of 2010. In our opinion the full implementation will not be done on time. In 2009 two amendments of the 'Act on the freedom of economic activity' came into force. They implemented important facilitations to set up and run a business.

2 In Poland the PSC will be established on the basis of the regulations of the act amending the 'Act on the freedom of economic activity'. Since 1 April 2009 the 'one window' procedure may be used for the establishment of an enterprise. The next step is the implementation of the 'zero window' procedure in July 2011. From then on, the special I e-platform will eliminate the need to visit any institution in order to start running a business. It will include the following components:

- Business information originated in the public administration and in the wide public domain: this e-platform will form the basis for a future e-based one-stop shop for business start-ups and all businesses dealing with the public administration, bringing together in a user-friendly environment the full spectrum of information and registration/reporting requirements. It will be further augmented by access to sectoral, export inward investment, regional and other business oriented information sources.
- E-catalogues of goods and companies: the e-catalogues of goods and companies will present all data required and used in e-commerce transactions: address, VAT number, all logistics data, description of products, pictures etc. It is worth stressing that catalogues would be built according to EAN/UCC rules. Companies would be identified by their world wide unique Global Localization Number (GLN) and goods by EAN 13 number. Such a solution would allow for the elimination of almost all communication problems within the supply chain, as well as within the B2C exchange process. To be able to conduct business and transaction electronically, such a direct link of goods with their producers is necessary. Those two e-catalogues will work on the same basis and with similar functionality as those operating in other EU countries.

Portugal ☹

- Repository of e-documents: it will contain el-versions of documents used in e-trade e.g. invoices and orders and other documents required by businesses for conducting e-operations with the public administration etc. Businesses will be able to connect to the repository, download an up-to-date document, fill it in and send it to the partner and/or public administration without printing. The National Chamber of Commerce is involved in the process of creation of the e-platform as one of the main partners of the Ministry of Economics.

3 The process of screening of existing legislation (205 acts) ended this year with the project of 'Act on decrease of barriers to citizens and entrepreneurs' prepared by the Ministry of Economics. The Chamber was involved in the legislative screening, as it was based on a public consultation.

4 The Chambers approach is fully supportive. We are not directly involved in the process.

5 We observe cooperation between the Ministry of Economics and other EU counterparts to exchange experiences, usually taking place at conferences.

6 In our opinion the government should focus on the implementation of the deregulation of polish law and also on the creation of e-platform which will inform all service providers about polish regulations connected with specific services. We believe that there will be a problem with providing services on a temporary basis in Poland by foreign providers, because of the complexity of polish law. The Government should focus on decreasing the number of barriers for foreign service providers coming to the polish market.

1 The project of the Decree Law for the transposition is ready and a public consultation ended on 3 December 2009. The government intends to respect the deadline of 28 December. It is however impossible to say whether all provisions will be completely implemented by then.

2 The PSC (Balcao Unico,) is, since the end of July, integrated in the Official Portuguese Business website 'Portal da Empresa'. Service Providers can access on line all information concerning authorisation procedures/conditions for services activities, etc. Information and provisions for the completion of formalities are currently in Portuguese and will also be in other EU languages.

3 Yes. Chambers of Commerce were not involved.

4 The IMI will be used to provide mutual assistance. Chambers were not involved.

5 Government representatives periodically participate in meetings with other EU members' representatives, to share experiences and best practices.

6 No specific areas presenting obstacles have been identified.

Romania 😊

1 Romania was the second member state to adopt a horizontal law transposing the Services Directive in 2009 and most secondary legislation was also adopted by the end of 2009. However, there are still some acts left to be adopted at the beginning of 2010. Most central authorities have been registered to the IMI and all registered users have been trained to use it and to understand the legal requirements. The establishment of the PSC is to be ready during 2010, due to some changes in the structure of the central administration.

2 The PSC concept is such as to provide for the possibility to effectively complete procedures, if the respective procedures do not involve on-site or any other kind of controls, which could not be performed in an electronic environment. The Chamber network was not involved in the design or operations of the PSC. A central authority was designated to create, implement and operate the PSC, namely the National Centre 'Digital Romania', under the coordination of the Ministry for Communications and Information Society.

3 The screening has been completed without involving the Chamber network.

4 Central authorities have been already registered on IMI. Delegate coordinators will gradually register decentralized authorities, starting in 2010, on the basis of the needs identified in practice. The Chamber was not involved as it does not have competence in authorizing or supervising service providers in Romania. It is the National Office for Company Register (Trade Registry) that has been involved in the mutual evaluation process, because it has horizontal competences in all services sectors.

5 The 'mutual evaluation' will be conducted on the basis of the common methodology agreed upon by the member states in 2009. The Department for European Affairs will continue to coordinate the process and will attend the workings of the cluster in which Romania has been distributed by the Commission. The mutual evaluation will involve all relevant competent authorities, in order to evaluate the implementation in specific sectors of interest.

6 No answer given.

Slovakia 😞

1 Yes, we hope so. In any case, the basic tasks concerning the directive were given to Ministry of Economy of Slovakia.

2 We hope that the PSCs will fulfill the tasks as planned. Again, the Chamber is not involved in the implementation even if we were one of the first to be informed about this initiative. The PSCs are located in various offices of local authorities throughout the country.

3 The Chamber was not involved in the screening. We are sure that the government has taken care of all important points and to avoid conflicts with existing national legislation.

4 The Chamber was not involved so we do not have any closer information about mutual assistance provisions.

5 No.

6 No.

Slovenia ☹️

1 We believe that the Slovenian government is doing everything in its power to implement all the directive's provisions, but it seems that the deadline for the implementation will not be met. We find that the implementation of Article 6 of the Directive is still behind schedule, although it may still be implemented on time. There is also a slight delay with amending the sectoral legislation.

On 17 December 2009, the Slovenian Government has adopted the Proposal of the Act on services in the internal market. The proposal is currently going through the legislative procedure before the Slovenian Parliament and is expected to be adopted soon.

2 The preparations for establishing the PSC are under way, but the progress is relatively slow. The formation of the PSC is under guidance by the Ministry of Public Administration. The formation of the PSC is meant to be an upgrade of the existing 'one stop shop' system.

Information in languages other than Slovenian will be provided.

3 The initial screening has been completed, with the collaboration of the Chamber, whereas the thorough screening is still not completed and the CCIS has no information on when it will be completed. The only information we have is the interim report of the Ministry of the Economy to the Slovenian government on the slow process of the screening of existing legislation.

4 Due to lack of information provided by the government and other competent bodies we do not possess such information but we do find that mutual assistance is taking place on IMI integration. The Chamber network was not involved.

5 We have been aware of certain activities in the past, especially consultations with the European Commission and certain member states, but we find that we do not have any other information on this subject.

6 We do not know of any specific obstacles due to lack of information from the competent bodies, but we feel that such information should be available as soon as possible to ensure the individual companies get the necessary information they need before the implementation phase is over.

Spain ☹️

1 The deadline is going to be respected. Several actions and consultations are in process, with the participation of different institutions. In general, all directive's provisions will be properly implemented by 28 December.

2 Practical details related to the PSC have to be substantiated. Nevertheless, the Chamber network is going to be involved in this process.

3 A wide screening has been done by the Government. The Chamber network has been informed.

4 The Spanish Government supports the establishment of mutual assistance provisions across the EU, especially regarding questions related to electronic platforms to ensure the implementation of the process. The Chambers of Commerce participate informally in the debate.

5 The main areas which could present obstacles in the process are those related to the coordination between Governments and the capacity to reach the targets foreseen. In particular, questions related to simplification and reduction of administrative burdens, PSCs, exchange of information or e-Administration have to be enhanced.

Sweden ☺

- 1 Yes, we believe that the directive will be fully implemented by 28 December 2009. The legislative changes will enter into force on 27 December and the PSC should be operational as well. There is an ongoing work to inform authorities, businesses and consumers on the changes provided by the directive. However, it is still not clear how the government will meet the provisions of article 39, regarding the process of mutual evaluation. Our main remaining concern regards the capacity of local authorities to fully interpret and apply correctly the obligations of the directive.
- 2 The National Board of Trade, the Swedish governmental agency dealing with foreign trade and trade policy, holds the overall responsibility for the PSC. At operational level, the National Board of Trade is cooperating with the Swedish Agency for Economic and Regional Growth and the Swedish Consumer Agency. The PSC will be operational by 28 December. This includes information service and online applications available on the website developed by the Swedish Agency for Economic and Regional Growth. The website will be available in Swedish and English. During 2010, several advanced services will be available, i.e. advanced search, safe communication and messaging. There is also an on-going work to provide for e-signatures.
- 3 The screening process is finalised at national level. A thorough legislative screening has preceded the adoption of a new horizontal legislation, the Act on Services. The results of the screening have shown that, overall, Swedish legislation is compatible with the Services Directive. However, some provisions have been amended so as to ensure compatibility, mostly sector specific. The government has also taken steps to ensure that procedures at relevant authorities are compatible with the provisions of the directive. The Act on Services in the Internal Market was approved by the Swedish Parliament on 4 November and will enter into force on 27 December. The Swedish Chambers provided comments on the proposed Act on Services along with a wide range of parties in January 2009 and has since taken part in the meetings of the working group. In addition to the screening process at national level, there is an ongoing inventory of regulations at local level. It is still unclear whether this work will be finalised before 28 December.
- 4 The Swedish Chambers are not involved in this work. The National Board of Trade is the national coordinator of the Internal Market Information System (IMI) in Sweden. In order to facilitate the registration of authorities in IMI, three delegated coordinators, so called DIMIC has been appointed at regional level. This intermediate level will inform and support local authorities on the IMI and provide contacts with the National Board of Trade.
- 5 During its Presidency of the EU, the Swedish government has been actively involved to ensure the full implementation of the Directive in all member states. The secretariat has taken part in the expert group and has arranged meetings for the Nordic countries as well as for the Nordic-Baltic countries, including Poland and Germany. There have also been contacts between the Presidency and Eurochambres and BusinessEurope, to exchange information on how to organise communication activities towards service providers. The government has not yet communicated how they plan on organising the work from the Swedish side during the mutual evaluation. The Secretariat that was formed within the Ministry for Foreign Affairs to coordinate the implementation process will be dissolved at the same time as the directive enters into force. The Swedish Chambers finds this worrying, since a lack of competence and organisation of resources could hamper the process of mutual evaluation. A lack of commitment to this important process will affect the business community as well as consumers in the long run.
- 6 The main obstacle remaining is the capacity of local authorities to interpret and apply the requirements of the directive. Another remaining problem is the language issue.

United Kingdom 😊

- 1 The UK government will meet the deadline and indeed ahead of time as the PSC went live on 7 December 2009. However, not all local and competent authorities are linked in to the website. BIS expects 100% coverage by March 2010.
- 2 The UK PSC will be a point of completion as well as a purveyor of general information on doing business in the UK. The BCC will provide the telephone helpline. The PSC will not be available in languages other than English although BIS remains flexible and will react to demand if it occurs.
- 3 The screening exercise is complete and the BCC was consulted. BIS will report to the Commission before Christmas.
- 4 The BCC was not involved.
- 5 The UK has been put in a cluster group containing Cyprus, Greece, Romania and Ireland and will start to exchange information in January. BIS has asked stakeholders to feedback on the quality of implementation where relevant.
- 6 We are mostly concerned about the language provision of the PSCs as we believe this will deter businesses and put member states that do not provide their PSC in English, French or German alongside their national language at a competitive disadvantage.

The 27 European Chambers which provide input for this survey

AUSTRIA	Austrian Federal Economic Chamber
BELGIUM	Federation of Chambers of Commerce and Industry of Belgium
BULGARIA	Bulgarian Chamber of Commerce and Industry
CYPRUS	Cyprus Chamber of Commerce and Industry
CZECH REPUBLIC	The Economic Chamber of the Czech Republic
DENMARK	Danish Chamber of Commerce
ESTONIA	Estonian Chamber of Commerce and Industry
FINLAND	The Central Chamber of Commerce of Finland
FRANCE	The Assembly of French Chambers of Commerce and Industry
GERMANY	Association of German Chambers of Industry and Commerce
GREECE	Union of Hellenic Chambers of Commerce and Industry
HUNGARY	Hungarian Chamber of Commerce and Industry
IRELAND	Chambers Ireland
ITALY	Association of Italian Chambers of Commerce, Industry, Craft and Agriculture
LATVIA	Latvian Chamber of Commerce and Industry
LITHUANIA	Association of Lithuanian Chambers of Commerce, Industry and Crafts
LUXEMBOURG	Chamber of Commerce of the Grand Duchy of Luxembourg
MALTA	The Malta Chamber of Commerce and Enterprise
NETHERLANDS	The Netherlands Chamber of Commerce
POLAND	Polish Chamber of Commerce
PORTUGAL	Portuguese Chamber of Commerce and Industry
ROMANIA	The Chamber of Commerce and Industry of Romania
SLOVAKIA	Slovak Chamber of Commerce and Industry
SLOVENIA	Chamber of Commerce and Industry of Slovenia
SPAIN	High Council of Chambers of Commerce, Industry and Navigation of Spain
SWEDEN	The Association of Swedish Chambers of Commerce and Industry
UNITED KINGDOM	The British Chambers of Commerce





EUROCHAMBRES
The Association of European Chambers of Commerce and Industry

Chamber House
Avenue des Arts 19A/D
B – 1000 Brussels
Belgium

Tel: +32 2 282 08 50
Fax: +32 2 230 00 38

eurochambres@eurochambres.eu
www.eurochambres.eu