

Internal Market



Scoreboard

July 2006 n°15



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SCOREBOARD

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The Commission is keen to receive feedback on this Scoreboard, and to have suggestions for future editions. Please send reactions to Mr. Thierry Stoll, Acting Director General, Internal Market and Services DG, The European Commission, B-1049 Brussels, or to the following e-mail address: Markt-B3@ec.europa.eu

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Scoreboard n°15

EDITORIAL

At 1.6%, Member States' global transposition deficit half a year ago was lower than ever. It presented a unique opportunity to go below the 1.5% interim ceiling this time around. That a transposition deficit below 1.5% is feasible, and even sustainable, is proven over and over again by Denmark. Nevertheless, instead of going the extra mile, Member States now seem to have slowed down and relaxed their efforts. I profoundly regret that the opportunity to reduce the deficit below 1.5 % was not fully seized and I call on Member States to make that extra special effort necessary and deliver on their longstanding promises.

I find the performance of the new Member States particularly disappointing. Not because they perform so badly in absolute terms. They don't. But largely because we were becoming so used to seeing the new Member States reducing their transposition deficit ever further over the past 2 years. Regrettably, this positive trend seems to have come to a halt now. I do hope it is only temporary - it should not be too complicated for the new Member States to get their performance back on track.

Transposing on time is very important, but transposing correctly is even more so. All the more a pity that this has long been and still continues to be a weak point. Member States too often incorrectly transpose and/or apply Internal Market directives, resulting in a high number of infringement proceedings. It is telling indeed that not one single Member State managed to live up to its promise to reduce the amount of outstanding infringement proceedings by half between 2003 and 2006. Member States must therefore now undertake urgent action to enhance the quality of the transposition and the application of Internal Market rules.

There are also a number of very positive points to highlight - most notably, data shows that the Commission's 2004 Recommendation on transposition of Internal Market directives has been a useful instrument in helping the Member States benefit from each other's best practices: a strong correlation exists between implementing the recommendations and performing well on transposition.

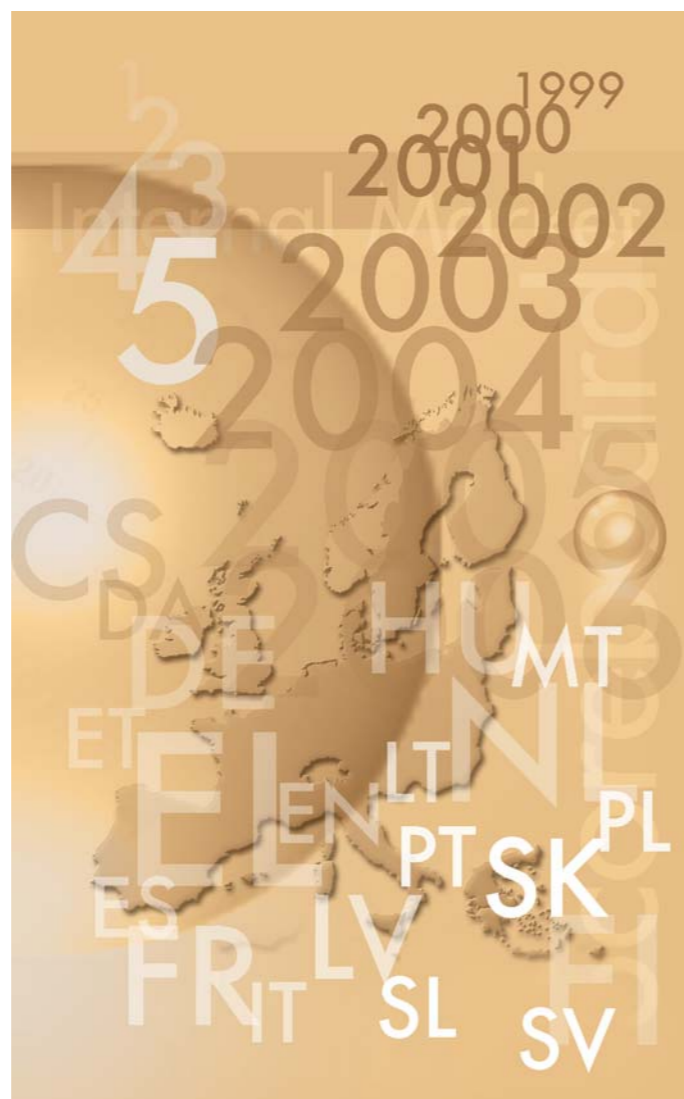
Also, package meetings continue to prove to be a useful tool in the array of measures that the Commission has at its disposal to ensure that Internal Market rules are transposed and applied correctly. The SOLVIT system is another such tool. It continues to deliver a high level of performance, though it should be emphasised that there are strong indications that it fails to deliver its full potential due to a lack of resources in national SOLVIT centres, as well as a lack of awareness in Member States of its existence and potential.

I hope that you will find the July 2006 Internal Market Scoreboard thought-provoking reading.

Please contact us if you need further copies or download PDF-files and further information from our web-site at http://ec.europa.eu/internal_market/score/index_en.htm

Thierry STOLL
Acting Director General
DG Internal Market and Services





EXECUTIVE SUMMARY

Transposition

The historically low average 1.6% overall transposition deficit recorded in the November 2005 Scoreboard provided a unique opportunity for Member States this time around to go below the interim ceiling of 1.5% transposition deficit set by the MS themselves. Regrettably, the opportunity was not seized.

The trend in recent years of a steady reduction of Member States' transposition deficits has come to a standstill: both old and new Member States' performance is slipping by 0.3% compared to the November 2005 Scoreboard.

Over the past two years, the new Member States were the driving force behind reducing the transposition deficit. However, they seem to be losing that role.

This being said, in absolute terms, the new Member States still perform better with an average transposition deficit of 1.5% compared to 2.2% for the old Member States.

If we look at the 35 directives that should be transposed by 1 October of this year, we get an indication of what the performance of individual Member States might be at the next Scoreboard. A number of Member States have already transposed an impressive number of those Directives, notably Luxembourg.

However, only 3 Member States among the top 10 are new Member States. Unless they step up their efforts, the new Member States will quickly lose the exemplary role they played over the past two years in ensuring the timely transposition of Internal Market rules.

Infringements

As compared to the numbers in April 2003, only five of the EU-15 Member States, notably Belgium, France, Austria and, to a much lesser extent, the Netherlands and Ireland, have reduced the number of infringement cases against them.

Having now reached the 2006 deadline, we regrettably note that not a single old Member State has been able to deliver on its promise to reduce infringement proceedings by 50% in 3 years.

Even worse, some Member States *combine* a bad transposition deficit with poor quality transposition and/or incorrect application of Internal Market rules. This is the case for Greece, Italy and Portugal. These three Member States added respectively 23, 18 and 11 cases to an already high number of outstanding infringement cases and, at the same time, they are among the worst performers when it comes to timely transposition.

There is also cause for concern as regards Sweden, where the number of infringement cases has increased by half over the last 3 years.

Although the basis for comparison is different for the new Member States (their figures are compared to November 2005 instead of April 2003), the situation seems by and large to be much more positive. Six new Member States have reduced the number of infringement proceedings over the past half year. Nonetheless, the results in Poland and Cyprus are very worrying.

Complementary problem solving

Package meetings have been and continue to be an efficient means of resolving infringement cases at an early stage. 25 such meetings have taken place between July 2004 and July 2005. In almost 60% of cases, either a solution is found within 6 months (40%) or a decisive step forward is taken (18%).

The case flow in SOLVIT (the on-line problem solving network for complaints about the incorrect application of EU rules by public authorities) continued to grow in 2005, but seems now in the first semester of 2006 to have settled, despite there being greater potential to resolve more cases. A lack of staff in a number of SOLVIT centres, especially in the larger Member States, and a lack of awareness on the part of the citizens and businesses on what SOLVIT can do for them, appear to be at the heart of it.

The Czech Republic, Belgium, Portugal, Poland and the Slovak Republic have a very high resolution rate. Greece and Austria, on the other hand, solve less than 60% of the cases submitted to them.

Where case handling speed is concerned, Belgium, the Czech Republic, Spain and Luxembourg perform very well, but Greece and Italy need to speed up their handling of cases.

Follow-up to the 2004 Recommendation

The 2004 Recommendation on transposition of Internal Market Directives summarised best practices in Member States and recommended to the other Member States to implement similar arrangements.

It is striking that the Member States that have implemented the most recommendations also perform best as regards the timely transposition of Internal Market directives and vice-versa.



INTRODUCTION

The adoption of Internal Market directives does not automatically produce benefits. Once adopted, directives must be transposed into national law and enforced, whilst business and citizens need to seize the opportunities they offer. So, when problems with legislation arise, these need to be resolved quickly to ensure that citizens and businesses can exercise their rights.

Member States have the **primary responsibility for these tasks**. The Internal Market belongs to Member States and they have a common interest in ensuring that the Internal Market functions properly for the benefit of their businesses and citizens. If these tasks are not carried out effectively, the Internal Market's contribution to Europe's growth and competitiveness suffers. The economic interests of all Member States and their businesses and citizens will suffer if some Member States do not deliver on their commitments.

The Scoreboard examines whether the basic conditions are there for the Internal Market to function well. It does so by first examining how quickly and how well each of the Member States **transposes Internal Market directives into national law**. These directives and the deadlines for their transposition are agreed by Member States at European level. Member States who do not transpose directives properly, or on time, fail to deliver on the commitment they give to their peers.

The Scoreboard also highlights the **number of infringement proceedings** initiated by the Commission against each Member State. Every infringement case is a problem for a business or citizen and should be taken seriously by Member States. However, most Member States have not met the call for a reduction in the number of infringement cases.

Given the often long periods taken to resolve infringement cases, the Commission also holds individual **'package' meetings** with Member States to encourage and facilitate early resolution of cases. It also organises **transposition meetings** to assist Member States in correctly transposing Internal Market rules. Finally, the Commission also promotes swift resolution of problems through the **SOLVIT network**, which relies on administrative cooperation among Member States.

On top of that, the Commission issued a Recommendation in 2004 setting out best practices in the Member States as regards transposition of Internal Market directives. The Scoreboard examines **how Member States followed up on this Recommendation** and whether there is a correlation between the efforts made and Member States' performance on reducing the transposition deficit.



1. TRANSPOSING AND APPLYING INTERNAL MARKET RULES

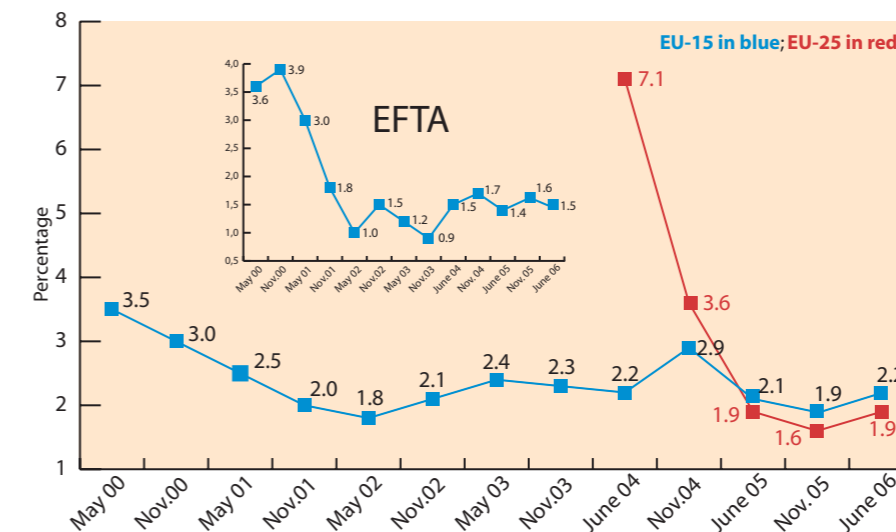
A. State of Transposition of Internal Market Legislation into national law

EU Heads of State and Government have repeatedly called on Member States to improve their transposition records, setting a 1.5% transposition deficit as an interim ceiling¹. On 23rd March 2005, the European Council called on Member States to spare no effort in honouring the commitments given in Barcelona in March 2002 as regards the transposition of directives. Improvement of the transposition record is also a key element in re-launching the Lisbon Strategy as agreed by the European Council in March 2005.

As the guardian of the Treaty, the European Commission will fulfil its specific obligations in this regard. Vigorous pursuit of infringements is critical to the credibility of European legislation and the effectiveness of policies².

Average transposition deficit in June 2006

Figure 1: Are Member States relaxing their efforts?



The transposition deficit shows the percentage of Internal Market directives not yet communicated as having been transposed, in relation to the total number of Internal Market directives which should have been transposed by the deadline. As of 1 June 2006, 1620 directives and 570 regulations relate to the Internal Market as defined in the EC Treaty.



1) Conclusions of the European Council summits of Stockholm (23-24 March 2001), Barcelona (15-16 March 2002) and Brussels (20-21 March 2003 and 25-26 March 2004).

2) Communication of the Commission, "Strategic objectives 2005-2009, Europe 2010: a Partnership for European Renewal" COM (2002) 12 final

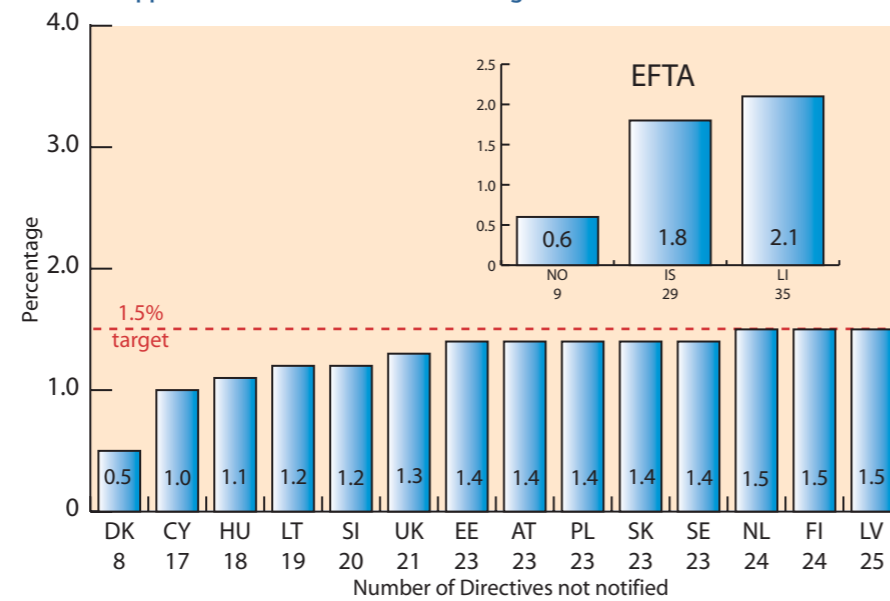


The global 2006 transposition deficit for Internal Market directives is 1.9%, which is **0.3% up since November 2005**. The performance of both new and old Member States therefore slips by 0.3% compared to November 2005.

Unfortunately, this means that the positive trend of the past years has stalled. With a deficit of 1.6% in November 2005, the interim ceiling of 1.5% transposition deficit was within reach. It should have led to a redoubling of Member States' efforts. This has not been the case and is a great opportunity missed.

Performance as against the 1.5% transposition deficit interim ceiling

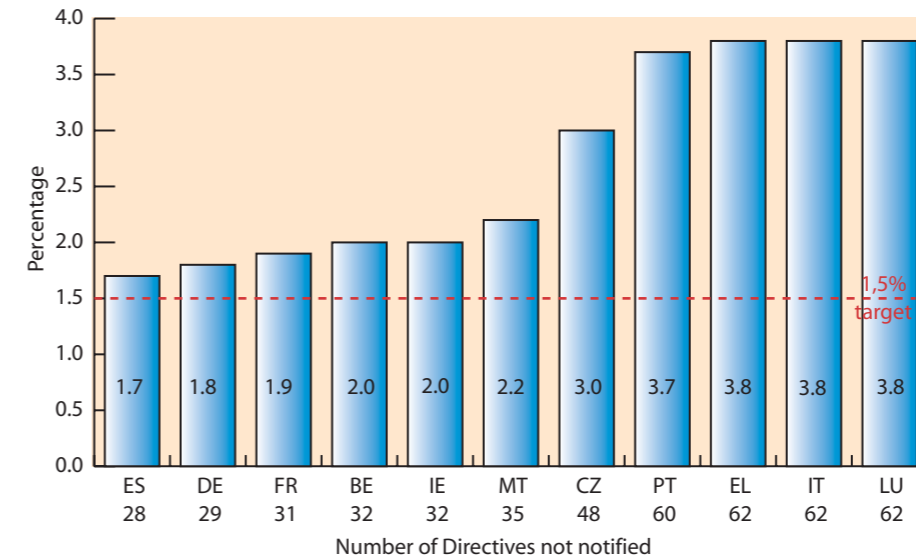
Figure 2: Only 14 Member States now do not exceed the 1.5% interim ceiling as opposed to 17 of them six months ago



Transposition deficit, by Member State, as at 1 June 2006.

- Only 14 out of 25 Member States stay below the ceiling of a 1.5% transposition deficit compared to 17 of them in November 2005;
- Denmark continues to improve on an already exemplary performance, bringing its deficit down a further 0.2% to 0.5%. This shows it is perfectly feasible to be below the interim transposition deficit ceiling - provided the necessary political will exists and good organisation is in place;
- Besides Denmark, only Cyprus, Austria and the UK have improved on their transposition figures from half a year ago. Slovenia and the Slovak Republic remain on status quo;
- All other Member States that stay below the 1.5% ceiling seem to have adopted a more relaxed attitude. Their performance has slipped. It should be recalled that the 1.5% transposition deficit is an interim ceiling. Ideally, the transposition deficit should be zero and to keep below the 1.5% deficit requires a sustained effort by all Member States.

Figure 3: the Czech Republic, Portugal, Greece, Italy and Luxembourg perform very poorly



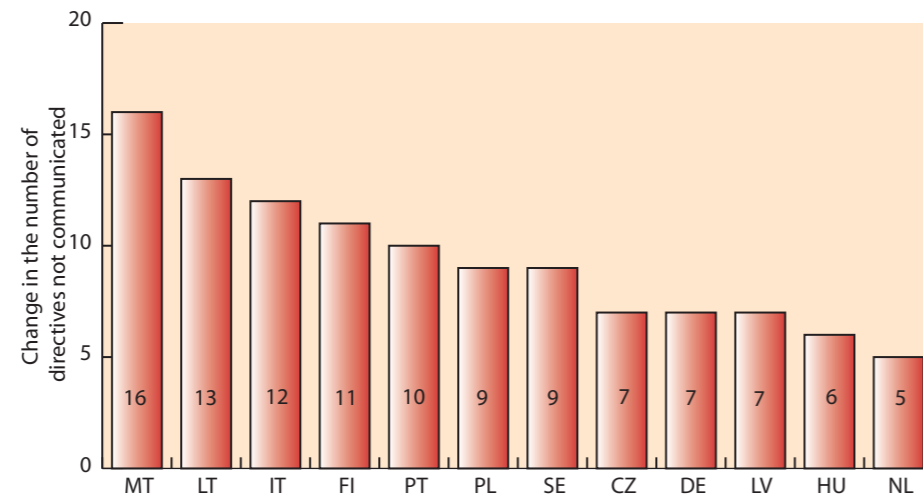
Transposition deficit, by Member State, as at 1 June 2006.

- 3 Member States that did not previously exceed the 1.5% transposition deficit ceiling in November 2005, are now unfortunately above it: Malta, Germany and Spain;
- Malta drops almost a full percent in only 6 months, from a 1.2% deficit to 2.2%, which is particularly worrying;
- Germany presented an exemplary performance in 2005 compared to 2004, but it seems to have lost momentum, now drifting back above the 1.5% ceiling;
- Except for Luxembourg, the performance of all the Member States that were above the 1.5% ceiling in November 2005 has further slipped;
- Luxembourg is still last, together with Greece, Italy and Portugal. But this hides the fact that Luxembourg managed to reduce its backlog by 0.6% over a very short period of time. As illustrated below ('Looking ahead'), there is reason to believe that Luxembourg will be able to uphold the positive momentum in the immediate future;
- Finally, Italy, Portugal and the Czech Republic have let their performance slip further by 0.5% or more.



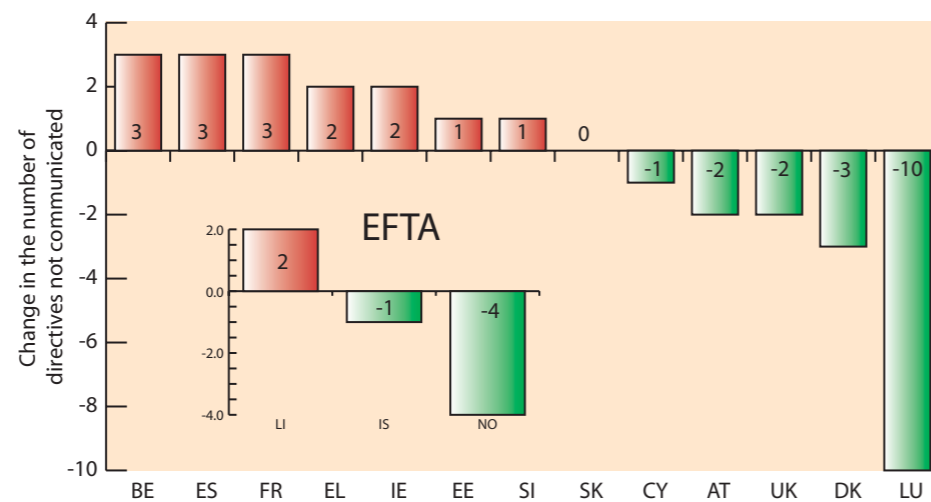


Figure 4: The backlog of all but 6 Member States has increased



Change in the number of outstanding directives since Scoreboard 14 bis (November 2005).

Figure 5: Luxembourg's efforts bear fruit

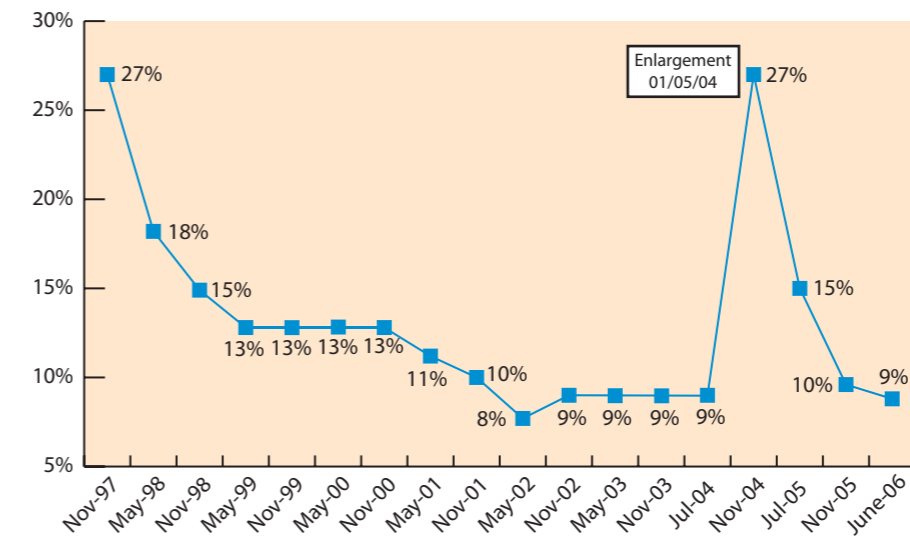


By comparing Member States' current performance with that recorded in the November 2005 Internal Market Scoreboard, the following conclusions can be drawn:

- 19 Member States have added to an existing backlog;
- In contrast to previous years, Member States that have reduced their backlog are now all old Member States (with the exception of Cyprus);
- The effort undertaken by Luxembourg to reduce its transposition deficit has started to bear fruit.

Fragmentation Factor

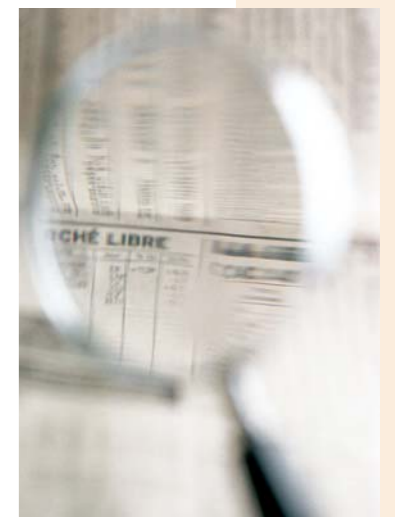
Figure 6: Fragmentation factor slightly lower despite increase in transposition deficits



The so-called 'fragmentation factor' records the percentage of the overall outstanding directives that have not been implemented in at least one Member State. For sectors covered by these directives the Internal Market is not yet a reality.

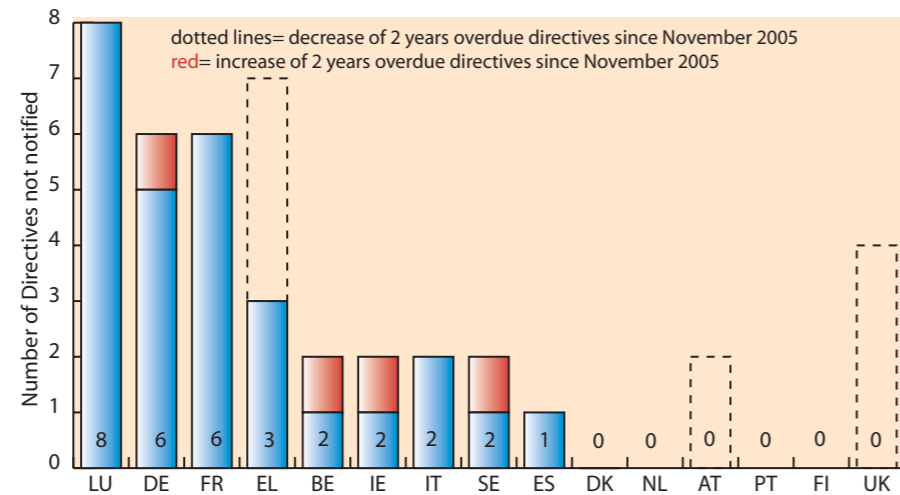
On the date of accession – 1st May 2004 - the new Member States' transposition figures were included in the Scoreboard. Given that these Member States needed to transpose all the existing Internal Market acquis by that date, the figures for fragmentation naturally peak on that date. Since then, the fragmentation figures have gradually come down to a level in line with pre-accession levels.

It is clear, however, that this level is not satisfactory: a fragmentation level of 9% means that the same percentage of Internal Market directives have not achieved their full effect. In absolute terms, no less than 144 Internal Market directives have not been transposed on time in at least one Member State. The Commission is still waiting for 772 notifications of national transposition measures. This state of affairs penalises all Member States, their businesses and citizens.



Long overdue directives

Figure 7: Old Member States do not systematically address the problem of long overdue directives



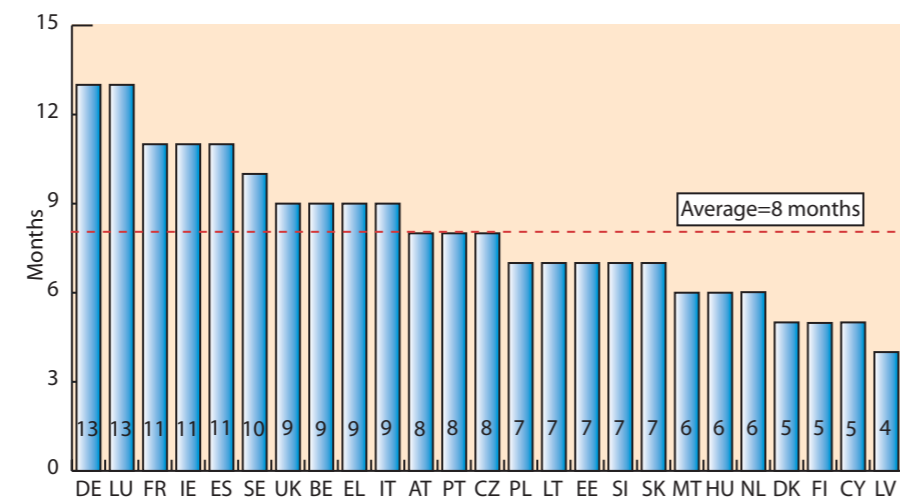
Number of overdue directives with a deadline for transposition into national law before 30 April 2004 which have not been transposed by 1 June 2006.

The European Council Barcelona Summit of March 2002 decided on a "zero tolerance" approach for directives whose transposition deadline is overdue by 2 or more years.

- Only 3 Member States - Greece, the United Kingdom and Austria- have managed to reduce the number of long outstanding directives compared to November 2005;
- Luxembourg, Germany and France urgently need to address this problem;
- The situation in all other Member States has remained unchanged or has become worse such as is the case of Germany, Belgium, Ireland and Sweden.

Average transposition delay in months per Member State

Figure 8: Average delay drops from 9.2 months to 8 months over past half year



Apart from the number of Internal Market directives that have not been transposed, it is also interesting to note the extent to which the transposition of those directives is overdue. On average, directives that are not transposed on time are overdue by 8 months compared to 9.2 months half a year ago.

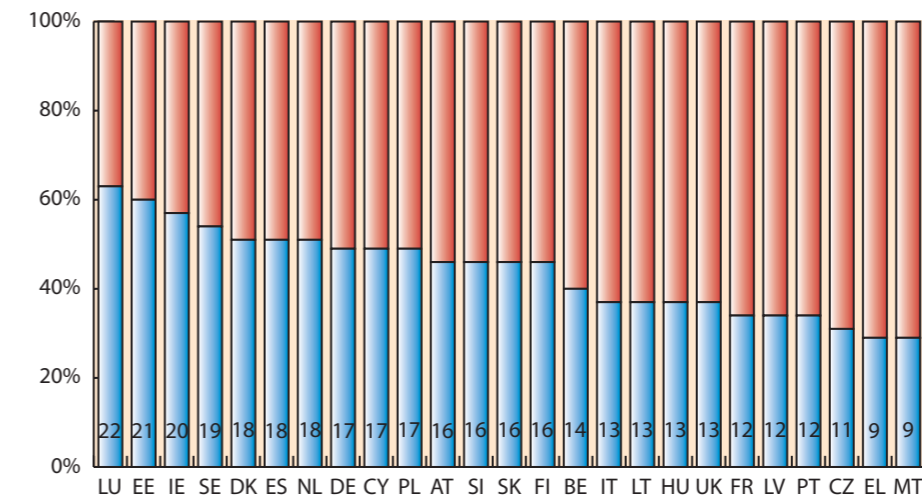
It seems that this important reduction is largely due to the transposition by some new MS of a limited number of directives with transposition deadlines that lie way back in the past.

Looking ahead

It is useful to look briefly at what the future may bring in terms of transposition. The table below looks at the 35 directives which need to be transposed between 1st June and 31st October 2006. The figure below shows the number of these directives already transposed in each Member State, which, in turn, provides a picture of the work that still lies ahead.



Figure 9: Luxembourg, Estonia, Ireland and Sweden are more likely to perform well in the immediate future than Malta, Greece, the Czech Republic and Portugal



Percentage and number of Directives that need to be transposed between 1 June 2006 and 31 October 2006 (totalling 35) and that have already been notified

- It transpires from this figure that Luxembourg is undertaking a sustained effort to improve on its poor transposition record: of the 35 directives that need to be transposed between 1st June and 1st October 2006, Luxembourg has already transposed no less than 22;
- Estonia, Ireland and Sweden follow closely with 21, 20 and 19 transposed directives, respectively;
- The fact that there are only 3 new Member States among the top 10 seems to indicate that unless the new Member States undertake an additional effort their excellent performance over recent years might slip;
- In view of their weak performance on timely transposition - that is, the fact that Greece and the Czech Republic have only transposed respectively 9 and 11 out of 35 directives, gives rise to serious concern.



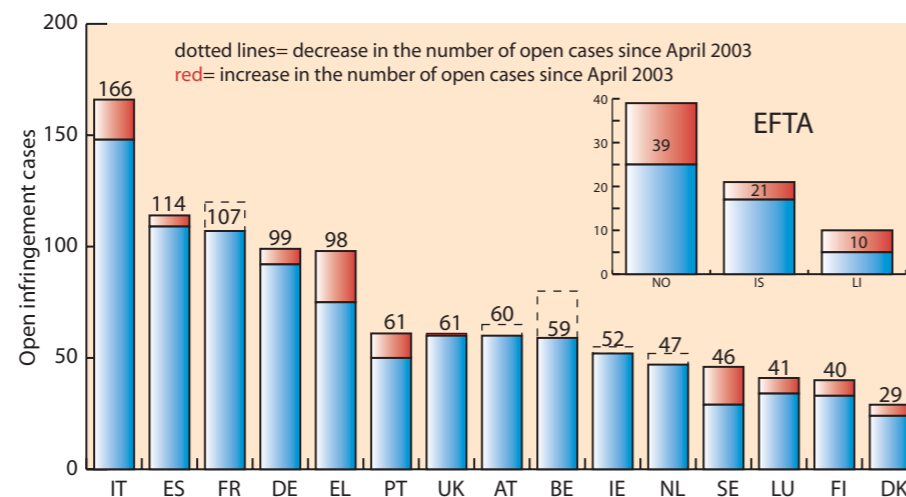
B. Infringements

As highlighted by the Internal Market Strategy 2003-2006³, when directives are not applied correctly by Member States, EU citizens and businesses are deprived of their rights. This self-inflicted damage causes harm to the European economy and undermines the confidence citizens and businesses have in the Internal Market and the EU in general.

Where the Commission considers that Internal Market rules are not properly applied, it may therefore take action against the Member State in question.

Clearly, every infringement case is one too many. Infringement cases are costly and can take a long time to resolve. The Internal Market Strategy therefore called on Member States to reduce the number of infringements against them by at least 50% by 2006.

Figure 10: Only 5 Member States manage to reduce the number of infringement proceedings

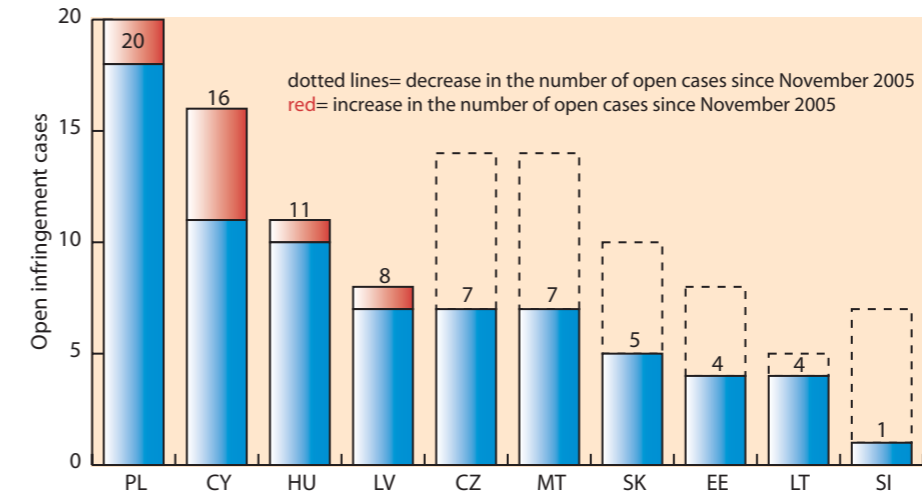


Open infringement cases as of 1 May 2006. Counted as 'infringement cases' for the above figure are: cases where the transposition is presumed not to be in conformity with the directive it transposes or cases where Internal Market rules (both rules contained in the EC Treaty and in Internal Market directives) are presumed to be incorrectly applied and where a letter of formal notice has been sent to the Member State concerned. Cases of non-communication, i.e. concerning directives counted in the transposition deficit, are excluded to avoid double-counting.

- At the deadline, only five of the EU-15 Member States (Belgium, France, Austria, and, to a much lesser extent, the Netherlands and Ireland), have managed to reduce the number of infringement cases as compared to the number at the end of April 2003;
- Even if Belgium managed to reduce the number of infringement cases by 24 over that period of time, it has not achieved the objective of a 50% reduction;
- For the 10 other EU-15 Member States, more infringement cases are open against them now than in 2003. Except for Luxembourg, which transposes late but correctly, it is striking that some Member States transpose late *and* apply the Internal Market rules incorrectly. This is particularly the case for Greece, Italy and Portugal, which occupy the last positions when it comes to timely implementation of the Internal Market rules, and this added 23, 18 and 11 cases, respectively, to an already high number of outstanding cases;
- There is also cause for concern in Sweden where the number of infringement cases has increased by half over the last three years.

3) COM (2003) 238, 7 May 2003.

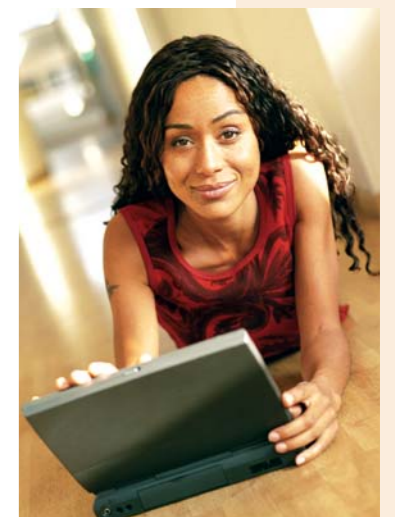
Figure 11: Less infringement proceedings against the majority of new Member States, but Cyprus and Poland must address the situation



For obvious reasons, there is no 2003 infringement data for comparison purposes for the new Member States. Consequently, today's data has been compared to the situation 6 months ago.

- Substantial reductions in open infringement cases have been recorded for the Czech Republic, Malta, the Slovak Republic, Estonia, Lithuania and, to a lesser extent, Slovenia;
- At the other end of the spectrum, Poland and Cyprus need to undertake urgent action to bring the situation under control, because they add a high number of additional infringement cases on top of an already high number.

In conclusion, as in previous years, both the *quality* of transposition, and the *correct application* of Internal Market rules, remain the important and urgent issues to be addressed.





2. SPEEDING UP THE RESOLUTION OF INTERNAL MARKET PROBLEMS OF BUSINESS AND CITIZENS

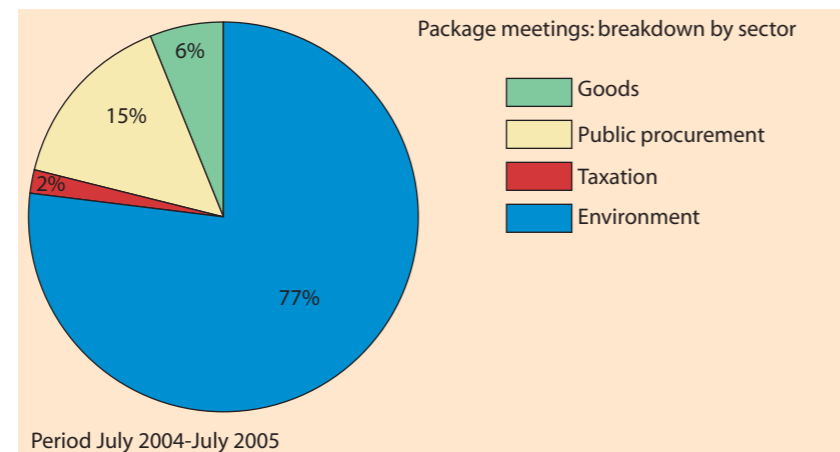
A. Package meetings

'Package' meetings involve Commission experts and their counterparts in a Member State who meet to examine a 'package' of infringement cases in order to solve them in an efficient, practical and informal manner.

Such package meetings are organised on a regular basis but involve mostly those Member States, whose track records on timely and correct implementation of Internal Market directives are particularly problematic.

A total of 25 package meetings took place between July 2004 and July 2005.

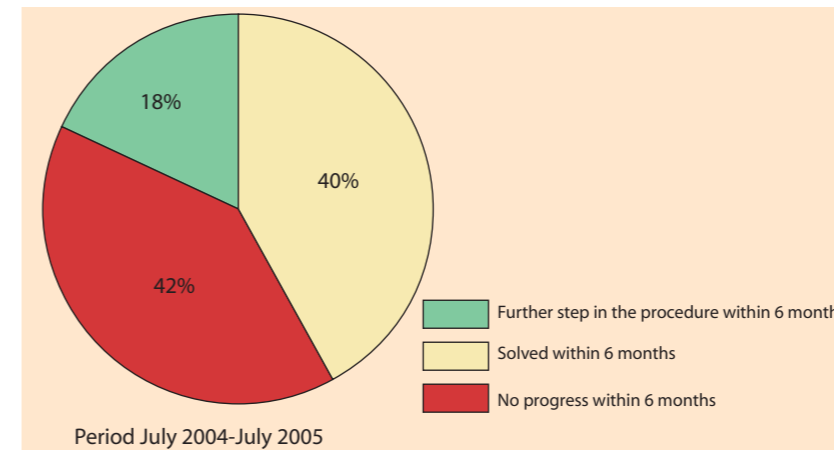
Figure 12: Environmental law represents almost 80% of package meeting cases



Percentage of cases discussed between July 2004 and July 2005 in package meetings organised by Directorates-General Internal Market and Services, Enterprise and Industry, Environment and Taxation and Custom Union.

The highest number of infringement cases dealt with in this manner is in the field of environment (77%), followed by public procurement (15%), free movement of goods (6%) and taxation (2%).

Figure 13: Quick results in over 50% of cases

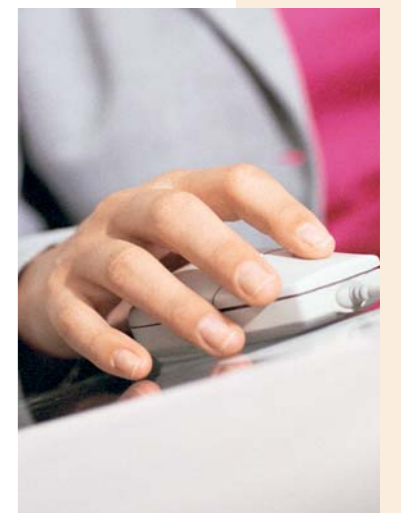


Results of the package meetings after 6 months.

Package meetings are a useful tool for solving problems of infringement cases, before taking a Member State to Court, or for accelerating the handling of such cases via the formal proceedings. 40% of cases discussed at such package meetings are resolved within the proceeding 6 months. In a further 18% of cases, the infringement process is speeded up. In these cases, the Member State either receives a letter of formal notice, a reasoned opinion, or it is brought before the European Court of Justice within the 6 months following the meeting.

Besides the traditional bilateral package meetings aimed at solving existing infringement cases, the Commission also sets up mechanisms to avoid problems before they arise. Since 2002, it started organising transposition meetings devoted to assisting Member States in transposing Internal Market legislation by anticipating possible transposition problems of a political, legal or technical nature. These meetings are held before the deadline for transposition, or immediately thereafter, and are either bilateral or involve all MS. In addition, informal bilateral contacts or meetings between the officials concerned and informal scrutiny of draft transposing measures are typical examples of other kinds of assistance. Directive 2003/6 on insider dealing and market manipulation (market abuse), Directive 2002/92 on insurance mediation, Directive 2005/29 on unfair commercial practices and Directive 2003/71 on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34 are but a few examples of close co-operation between Member States and the Commission during the transposition period.

Although it is impossible to quantify the impact of such meetings, feedback received has been very positive overall.

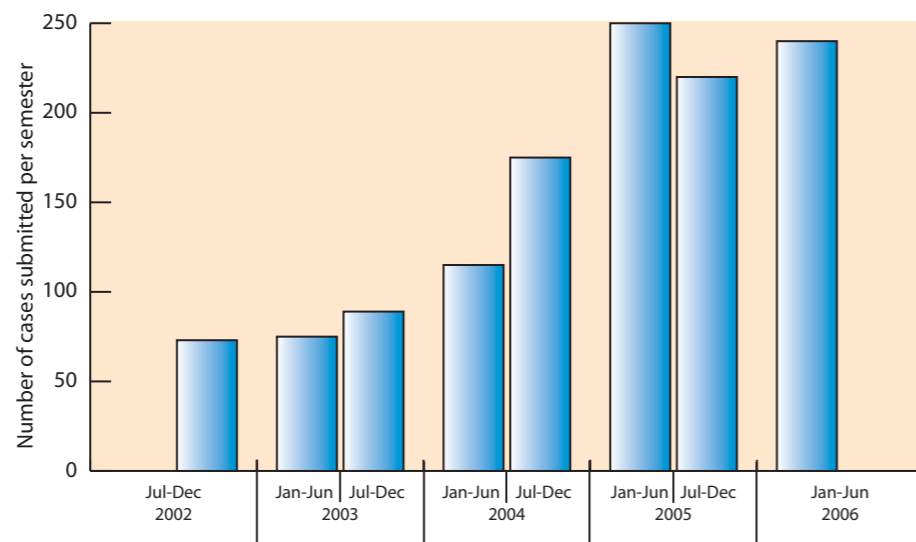


B. SOLVIT – MAINTAINS HIGH LEVEL OF PERFORMANCE BUT MAY FAIL TO DEVELOP TO ITS FULL POTENTIAL DUE TO LACK OF RESOURCES

SOLVIT was set up in 2002 as an on-line problem solving network for handling complaints about incorrect application of EU rules by public authorities. It has now developed into a fast and reliable, complementary way of addressing problems of misapplication of Community law by national authorities. It is often a much more efficient way to handle citizens' and businesses' problems and, as a positive side effect, it reduces the number of infringements.

SOLVIT case flow

Figure 14: SOLVIT case flow stabilises in first semester of 2006



Compared to 2004, SOLVIT case flow in 2005 has increased by 60%. However, the first semester of 2006 shows, that the workload has stayed at around 40 new cases per month. As described in the annual SOLVIT report⁴, it is likely that the real potential of solving cases for SOLVIT is at least 135 per month⁵. However, a lack of staff in a number of SOLVIT centres, especially in the larger Member States, and a lack of awareness on the part of citizens and businesses about the services on offer, have become a bottleneck for further expansion of the system.

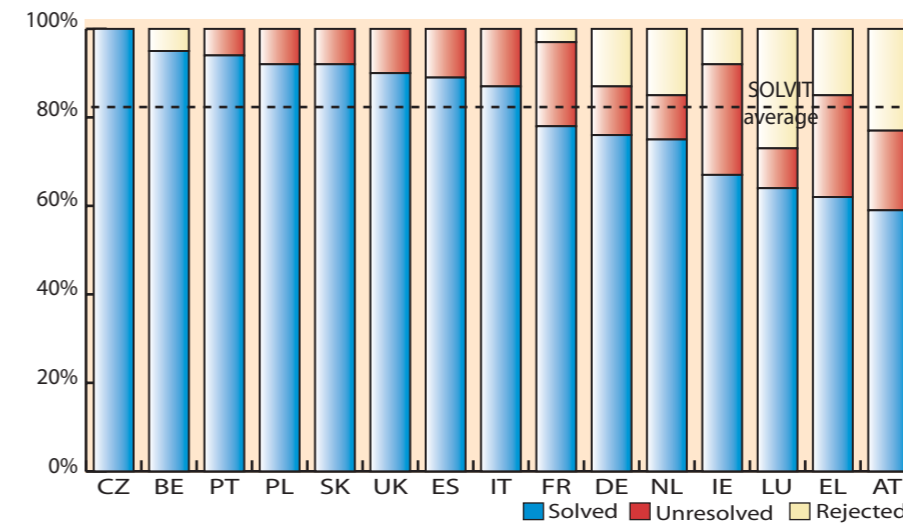
4) Commission staff working document, SOLVIT 2005 Report - Development and performance of the SOLVIT network in 2005, 4 May 2006, SEC(2006)595

5) This assessment is based on the on the volume of cases currently submitted to the system by the four most active SOLVIT centres in this respect. These centres are submitting an average of 3.5 cases per million inhabitants, which on an EEA wide basis would amount to 1624 cases per year.



SOLVIT resolution rates between May 2005 and May 2006

Figure 15: Overall SOLVIT performance remains high, but Greece and Austria lag behind

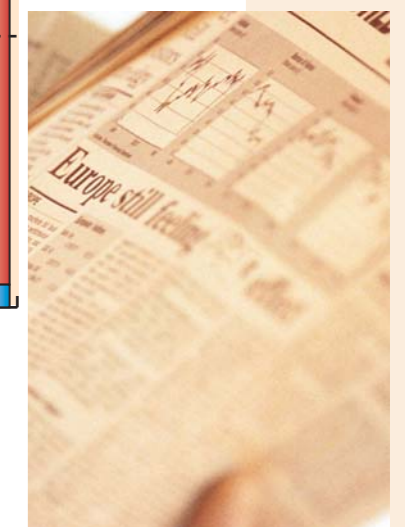
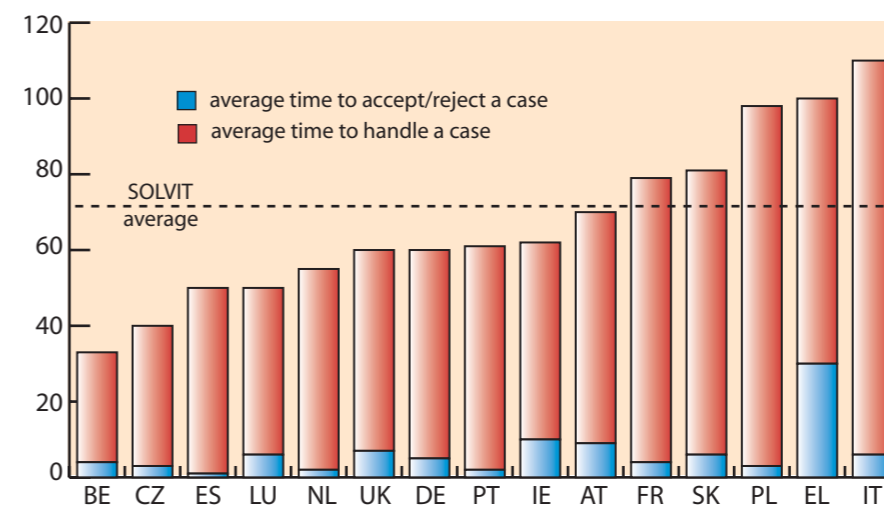


This table only includes figures for SOLVIT Centres with 10 or more cases handled during the reference period. For those with less cases, the basis is too small to produce meaningful statistics.

The overall performance of SOLVIT has remained high. In the period from 1st May 2005 until 1st May 2006, SOLVIT had an average resolution rate of 81%, whereby very good performers are the Czech Republic, Belgium, Portugal, Poland and the Slovak Republic, who solved more than 90% of all cases they received. Bottom of the list are Austria and Greece with only around 60% of cases solved.

Case handling speed between May 2005 and May 2006

Figure 16: Greece and Italy need to speed up their case handling



Case handling speed is also an important aspect of the services provided by SOLVIT. Average time to handle a case was 67 days during the reference period. Belgium, the Czech Republic, Spain and Luxembourg all closed their cases within an average of 50 days or less. At the other end of the spectrum, Poland, Greece and Italy each needed around 100 days or more to handle the problems submitted to them.

3. FOLLOW-UP TO THE 2004 RECOMMENDATION

The 2004 Recommendation on transposition of Internal Market directives⁶ summarised best practices in Member States with respect to the correct and timely transposition into national law of Internal Market directives. In particular, it recommended:

- Making correct and timely transposition a permanent political and operational priority;
- Ensuring permanent monitoring and coordination of the transposition of Internal Market directives at an administrative and political level;
- Ensuring that the preparations for the transposition of directives take place at an early stage and focus on correct and timely transposition;
- Working closely with national, regional and devolved parliaments involved in transposition of Internal Market directives to ensure correct and timely transposition;
- Taking action quickly, visibly and effectively to transpose directives, where transposition is late.

A year later, in May 2005, Commissioner McCreevy asked national ministers what had been done concretely to implement the 2004 Recommendation. Since then, the information received has been updated. The results are set out in the table below⁷.



6) Commission Recommendation of 12 July 2004 on the transposition into national law of Directives affecting the internal market, OJ L98 of 16.4.2005, p. 47 and following, not to be confused with the recommendations made under Guideline 12 of the Commission Communication to the Spring European Council, 'Integrated Guidelines for Growth and Jobs (2005-2008)' to be found on http://ec.europa.eu/growthandjobs/pdf/integrated_guidelines_en.pdf

7) These conclusions are based on the information communicated by the Member States to the Commission.

Degree of implementation of 2004 Recommendation in Member States

Figure 17: 2004 recommendations are implemented by many

Practices referred to in the Recommendation	BE	CZ	DK	DE	EE	EL	ES	FR	IE	IT	CY	LV	LT	LU	HU	MT	NL	AT	PL	PT	SI	SK	FI	SE	UK	
Transposition as priority	1.1. One senior member of government responsible for coordination of EU affairs	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	1.2. Regular report on the transposition records on the Cabinet or government level	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	1.3. Allocation of sufficient resources	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Permanent monitoring	2.1. One ministry responsible for monitoring and coordinating transposition	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	2.2. Designated officials in each ministry or government body	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	2.3. Guidelines on transposition	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	2.4. A central national database	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	2.5. Reminders before the deadline	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	2.6. Reminders after deadline	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	2.7. Proactive in seeking Commission assistance			•								•	•			•		•				•			•	
Preparations for transposition	3.1. A planning schedule for transposition prepared		•	•	•						•	•	•		•			•	•			•		•	•	
	3.2. Drafting of national implementing measures starts at latest when Directive is published in OJ	•	•		•						•	•	•		•		•	•				•		•	•	
	3.3. Correlation table		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	3.4. Goldplating is avoided	•	•	•	•						•	•	•		•		•	•	•						•	
	3.5. National officials responsible for negotiating a Directive are involved in its transposition			•	•			•				•	•		•		•	•					•	•	•	
	3.6. Representatives of federal/regional levels are kept informed during negotiations	•		•	•							•	•	•		N/A		•	•			N/A			•	
	3.7. Electronic notification of implementing measures to the Commission	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Involvement of Parliament	4.1. Parliament involved since proposal stage and kept informed during negotiations		•	•	•						•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	4.2. Parliament informed on progress in transposition	•			•	•	•				•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	4.3. Together with draft national implementing measures, the Parliament receives timetable for transposition		•	•	•							•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	4.4. Parliament receives early warning	•		•							•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	4.5. Government encourages Parliament to provide necessary time to transpose directives											•	•			•	•	•	•	•	•	•	•	•	•	
Actions taken in case of late transposition	5.1. Measures are taken that 'late' transpositions are speeded up	•		•							•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	5.2. Parliament encouraged to give priority treatment to late transpositions			•							•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	5.3. Publication of late transpositions	•	•			•			•			•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	5.4. Fast track procedure										•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
	5.5. Use of alternative legal instruments			•							•	•	•	•	•	•	•	•	•	•	•	•	•	•	N/A	
TOTAL		13	16	15	20	9	5	10	6	7	5	19	20	21	7	18	18	14	19	20	6	8	22	10	13	19

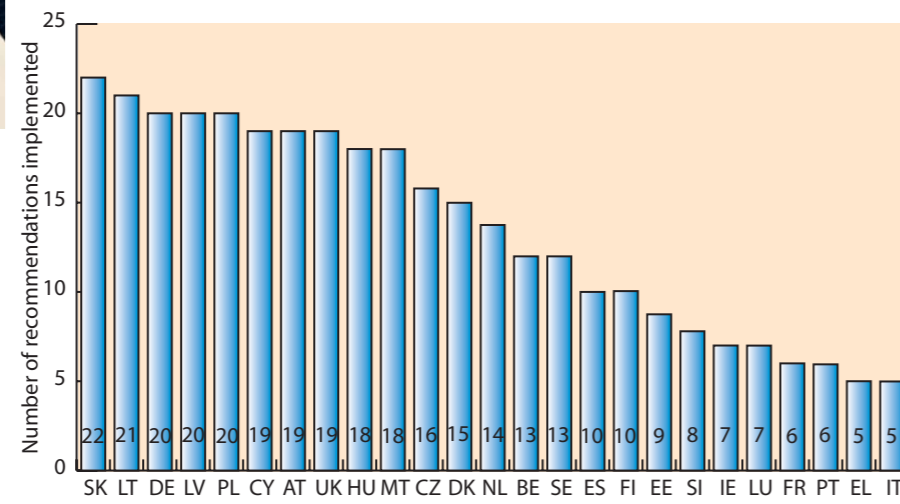
Answers under points 1.3, 2.7, 3.6 and 5.5 have not been counted towards the total either because the answer is not objectively verifiable or because the question is not applicable in a large number of Member States.



After ranking the Member States according to the number of recommendations they have implemented, these figures can be correlated with Member States' transposition deficit data set out in figures 2 and 3. Given that 4 of the above recommendations do not count towards the end result (see legend for above figure), the maximum theoretical number of recommendations that could be implemented is 23.

Member States' ranking according to the number of recommendations they have implemented

Figure 18: Strong correlation between implementing recommendations and performance on timely transposition



By comparing the above data with the transposition deficit figures, the following conclusions can be drawn:

- It is striking that there is a strong correlation between implementing all or most of the recommendations and a good overall performance on timely transposition: 9 of the 10 Member States that rank first in terms of implementation of recommendations also stay below the 1.5% transposition deficit ceiling. Germany is the only exception;
- The correlation is also strong at the other end of the spectrum. The 5 Member States that have implemented the least recommendations are all above the 1.5% transposition deficit ceiling;
- It is also worth noting that only 3 Member States do not systematically prepare a correlation table setting out how each provision of a directive is being transposed in national law: they are Belgium, Luxembourg and Portugal.



