
Commission des Affaires européennes

POLITICAL OPINION ON THE SINGLE MARKET EMERGENCY INSTRUMENT

The European Affairs Committee,

In view of article 88-4 of the French Constitution,

In view of articles 4, 21, 36, 45 and 114 of the Treaty on the Functioning of the European Union,

In view of articles 16, 17, 28 and 47 of the Charter of Fundamental Rights of the European Union,

In view of the proposal for a Regulation of the European Parliament and of the Council establishing a Single Market Emergency Instrument, repealing Council Regulation (EC) no. 2679/98, presented by the European Commission on 19 September 2022 (COM[2022] 459 final),

In view of the proposal for a Regulation of the European Parliament and of the Council on the establishment of measures to facilitate the provision of essential goods in crisis situations in the event of a Single Market emergency, amending Regulation (EU) 2016/424, Regulation (EU) 2016/425, Regulation (EU) 2016/426 and Regulation (EU) 2019/1009, presented by the European Commission on 19 September 2022 (COM[2022] 461 final),

In view of the proposal for a Directive of the European Parliament and of the Council amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2013/29/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU,

2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU and 2014/68/EU as regards emergency procedures for the conformity assessment, adoption of common specifications and market surveillance due to a Single Market emergency presented by the European Commission on 19 September 2022 (COM[2022] 462 final),

In view of Regulation (EC) no. 2679/98 on the functioning of the internal market in relation to the free movement of goods among the Member States (COM/97/0619),

In view of the European Parliament resolution of 17 February 2022 on tackling non-tariff and non-tax barriers in the Single Market,

In view of the conclusions adopted at the special European Council meeting held on 1 and 2 October 2020,

In view of the contribution of the LXVIII Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) and more specifically the priority given to the strategic autonomy of the European Union,

In view of Commission Staff Working Document of 8 October 2019 entitled “Evaluation of Regulation (EC) no. 2679/98 on the functioning of the internal market in relation to the free movement of goods among the Member States” (SWD (2019) 371 final),

Considering that the Single Market represents a major economic asset for the European Union in global competition and procures significant advantages for consumers, workers, and companies within the European Union,

Considering that the Covid-19 crisis has emphasised both the importance of EU integration and the fragility of the Single Market faced with the implementation of unilateral restrictions on the free movement of people, goods, and services,

Considering that the aggravation of economic, ecological, health, and digital risks requires the Single Market to have greater capacity for resilience,

Considering the need for the European Union to learn lessons from the Covid 19 crisis and establish an appropriate crisis management framework to overcome any emergencies that may arise in the future,

Considering that the restoration of supply and production chains is a contributing factor to the preservation of the integrity of the Single Market,

Considering that the preservation of the workings of the Single Market must not disproportionately infringe the fundamental rights and freedoms enshrined in EU law as they result from the constitutional traditions common to the Member States, chiefly the freedom of enterprise, the right to property, and the right to collective action,

Considering that the report on the final results of the Conference on the Future of Europe establishes the protection of the Single Market as a priority, whilst also recommending the introduction of a “Social Progress Protocol” in the Treaties,

Considering that European Union product harmonisation legislation improves the workings of the Single Market and contributes to the “high level of protection” of consumers, health, and the environment, as specified in article 114 of the Treaty on the Functioning of the European Union,

Considering that the adaptation of harmonised rules in the event of an emergency may usefully facilitate the marketing of essential goods in the event of a crisis provided this does not compromise the protection of other public interests,

Considering that this initiative will strengthen coordination, solidarity, and the coherent nature of the European Union’s response in the event of a crisis,

Considering that the preliminary positions expressed within the Council of the European Union and the European Parliament,

as well as by social partners, demonstrate the scope for improving the proposals for legislation put forward by the European Commission.

- *On the architecture of the Single Market Emergency Instrument*

1. Welcomes the creation of an instrument for the protection of the Single Market in the event of emergency, drawing inspiration from the frameworks in place in several countries in the Organisation for Economic Cooperation and Development,

2. Considers that preservation of the integrity of the Single Market in the event of a crisis requires action at EU level, pursuant to the principle of subsidiarity,

3. Also considers that abiding by the principle of proportionality for the Single Market Emergency Instrument is guaranteed by the gradual and reversible nature of the mechanism proposed by the European Commission,

4. Invites co-legislators to clarify the notion of “crisis” defined in article 3 paragraph 1 of the proposal for a Regulation, COM[2022] 459 final, by listing, in a non-exhaustive manner, situations liable to threaten the workings of the Single Market,

5. Highlights the need to ensure that the Single Market Emergency Instrument is properly linked with existing frameworks within the European Union, both those establishing horizontal and sector-specific crisis management mechanisms and those designed to remove structural barriers to the deepening of the Single Market,

6. Welcomes the preservation of Member States’ prerogatives in the implementation of the Single Market Emergency Instrument, which in particular requires the emergency mode to be triggered by the Council of the European Union by means of a qualified majority vote,

7. Calls on the European Commission to involve social partners in the work of the consultation group as much as is possible.

- *On the balance between the safeguarding of the Single Market and the preservation of fundamental rights and freedoms*

8. Regrets that the impact analysis report appended to the European Commission proposal for legislation includes only a summary analysis of the consequences of the Single Market Emergency Instrument on fundamental rights and freedoms,

9. Invites the co-legislators to clarify, in the operative provisions of the proposal for a Directive, COM(2022) 459 final, that the Single Market Emergency Instrument shall in no way affect the exercise of the right to collective action and that strike action shall not constitute a “crisis” justifying the implementation of vigilance or emergency modes,

10. Asks the European Commission to take full account in any implementation of the Single Market Emergency Instrument of its impact on the activity of economic operators, in particular small and medium-sized businesses.

- *On the possibility of derogation from harmonised legislation covering essential goods in the event of a crisis*

11. Calls on the European Commission to establish a clear definition of “crisis-relevant goods” in the event of a crisis, such that the scope of goods benefiting from derogations to applicable harmonised legislation shall be as limited as possible,

12. Asks Member States, in the absence of harmonised European standards, to apply stringent interpretations of the level of protection required for crisis-relevant goods in the event of a crisis.