Cross-border cooperation in the EU

European Commission

DG GROW. B1 Single Market Policy, Mutual recognition and Surveillance

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Why we need cross-border cooperation (CBC) in the EU?

3 possible scenarios:

1. MSA A needs docs/info to assess compliance however economic operator located in country B (EO) does not reply

2. MSA A finds non-compliance and can count on EO's voluntary cooperation

3. MSA A finds non-compliance but cannot count on EO's voluntary cooperation

European Commission

A model for CBC in the EU - Why?

Well, in order to clarify:

How to best share work among national MSAs to have effective surveillance in the Union

- **action should be directed to the top of distribution chain**
- **cooperative corrective action sought should adress non-complaince across the EU**

What is possible to do according to existing rules

Other basic principles for CBC

The proposed procedure/1

CBC under Scenario 1:

1. **MSA A requests the assistance of MSA B.**

2. **The MSAs discuss and agree about the type of assistance to be provided before action is taken.**

3. **MSA B provides the assistance agreed between the authorities.**

4. **MSA A completes the investigation on the basis of the input provided by MSA B.**

The proposed procedure/2

CBC under Scenario 2:

5. MSA A contacts the economic operator responsible for the products based in country B & request voluntary corrective action for the whole EU

6. MSA A informs MSA B [by means of ICSMS]

7.1 If EO agrees to undertake voluntary corrective action, MSA A informs all other Member States about the measures to be taken EO. Each national authority verifies their implementation.

The proposed procedure/3

CBC under Scenario 3:

7.2 If EO does not take appropriate corrective action MSA A takes compulsory measures concerning the products made available on its national territory

8. MSA A notifies the measures to the Commission and the other Member States

9. If no objection is raised or if, after examining the measure, the Commission considers it is justified:

- **MSA B contacts EO to request corrective action in relation to all relevant products**
- **All other Member States verify in their respective national territories that corrective action has actually been taken and if not take additional measures.**

Concluding remarks

Discussion on the model helped building a 'vision' …

… but reality is still very different.
Implementation is key!

CBC based on current rules is possible but burdensome: improvements to the legal framework may also be desirable

THANK YOU FOR YOUR ATTENTION!

Background info

Cross-border cooperation model

- **Published in February 2016**
- **Conclusions of IMP-MSG expert group**
- **Clarifies steps for cooperation among MSAs in different MSs**
- **3 types of cooperation covered: i) mutual assistance, ii) cooperation after voluntary measures, iii) coop. after the adoption of compulsory measures**
- **Available at:**

http://ec.europa.eu/DocsRoom/documents/15261/attachments/1/translations/en/renditions/native