Cross-border cooperation in the EU

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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
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 address non-compliance across the EU

What is possible to do according to existing rules

Other basic principles for CBC
The proposed procedure:

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