



STRATEGY PAPER

PRIORITIES FOR THE SINGLE MARKET BEYOND 2024

REIGNITING THE ENGINE
OF EUROPE'S GLOBAL
ECONOMIC LEADERSHIP



WHO ARE WE?

BusinessEurope is the leading advocate for growth and competitiveness at the European level, standing up for companies across the continent and campaigning on the issues that most influence their performance.

A recognised social partner, we speak for all-sized enterprises in 36 European countries whose national business federations are our direct members.

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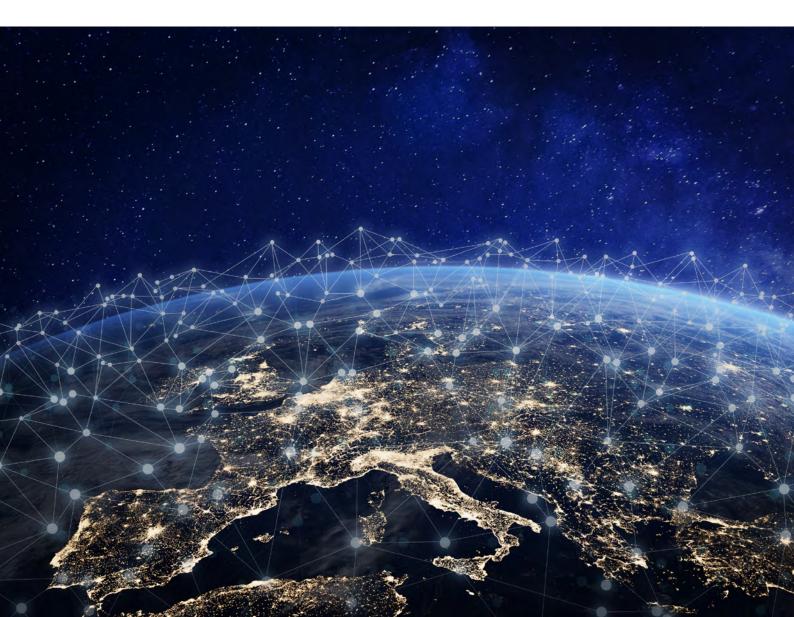
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KEY RECOMMENDATIONS

- ▶ When regulating, guarantee the freedom to trade and invest across borders in the EU, pursue maximum harmonisation of the Single Market rules, and strictly adhere to better regulation principles.
- ▶ Liberalise cross-border provision of services, inter alia by ambitious implementation of Services Directive, and incentivise uptake of digital technologies as the major priorities.
- ▶ Invest into the resources for better Single Market law implementation and uniform enforcement.
- ▶ Ensure that the EU infrastructure is adequate for the 21st century cross-border businesses, and serves the interconnection between EU Member States.
- ▶ Make next steps to ensure free labour mobility across Member States and significantly simplify respective administrative procedures.
- ▶ Reinforce the Single Market governance in all EU institutions so that they have dedicated resources and procedures to supervise the exercise of the four freedoms.



CONTEXT

With this paper, BUSINESSEUROPE sets out its general priorities and key recommendations for the future of EU Single Market policy after the 2024 European elections. On its 30th anniversary, while acknowledging the successes of the Single Market, it is even more important to look ahead and remove existing barriers for the benefits of European businesses and citizens alike, and for the EU's capacity to be globally competitive.

- ▶ The Single Market is the EU's most valuable asset. The past 30 years have proven that it is our key driver of economic growth, jobs, innovation and competitiveness, and a rise in living standards for citizens. A strong Single Market ensures resilience in the face of crises and is the EU's tool to address strategic dependencies.
- ▶ Integration of the Single Market has stagnated and risks coming to a stop. We acknowledge the achievements of the current EU legislators in advancing the EU's Digital Single Market. However, European businesses are concerned that the mass of new EU legislation¹ over the current political cycle was largely ineffective in removing existing Single Market barriers². The integration of the Single Market has stagnated over recent years, with intra-EU trade in goods having increased only by 3.5% in relation to the EU economy since 2006, and intra-EU services accounting for only 6% of European GPD³.
- ▶ The Single Market is becoming less attractive compared to global competitors. The EU's share of the world economy is predicted to steadily decrease from nearly 15% to 9% by 2050.4 Around 90% of national business federations consider that compared to our global competitors, the EU investment environment is less attractive than 3 years ago. 5 It means loss of potential jobs, investment to the technologies delivering the green and digital transition, as well as loss of power to defend democratic values globally.
- ▶ If the EU wants to be a frontrunner, we must reverse this trend. Serving over 450 million consumers and home to more than 23 million businesses offering jobs to EU citizens, the Single Market is key for the Union's economic strength. If we fail to reverse the trend of persisting fragmentation of the Single Market and deteriorating competitiveness, the EU will not succeed in realising the ambitions of a green and digital Union.
- The Single Market must be brought back to the top of the political agenda. Businesses underlined the need for a 180-degree shift in the way politicians and public administrations deal with the Single Market.⁶ The EU must reinstate the idea of a Single Market as an economic union for all economic activities without any barriers to cross-border business operations and intra-EU investments. Delivering a fully-fledged Single Market programme by removing regulatory barriers and reducing bureaucracy is key for the next political cycle, having the potential to unleash €713 billion by the end of 2029.⁷

^{1.} Since the last elections, we have seen an unprecedented legislative agenda. While the previous Commission published 239 consultations on legislative acts, the current Commission has already published 453 consultations (as of 26 July 2023).

^{2.} See BusinessEurope's package of examples of Single Market barriers for businesses across different policy areas.

^{3.} European Commission (2023), 2023 Annual Single Market Report: Single Market at 30

^{4.} PwC (2017), The long view: how will the global economic order change by 2050?

^{5.} See BusinessEurope's <u>reform barometer.</u>

^{6.} See the joint industry statement by BusinessEurope, DIGITALEUROPE, ERT, Eurochambres and EuroCommerce.

^{7.} This call by business was confirmed by the Madrid declaration of BusinessEurope's Council of Presidents.

FUTURE SINGLE MARKET AGENDA

BETTER POLICY AND LAW MAKING TO PROMOTE INVESTMENT AND CROSS-BORDER TRADE IN EUROPE

- ▶ The EU should not get into an uncontrolled spiral of new regulations. BusinessEurope acknowledges the Commission's ambitions on the strategic, green and digital agenda, and it is now time to implement the wave of recently adopted respective regulatory instruments and address excessive compliance costs.
- Business requires more, not less competition. Any additional regulation must come with the guarantee to trade and invest freely across the EU without any exceptions. Effective competition rules combined with fact-based enforcement by the Commission should support this free trade framework.
- The Commission and the co-legislators must adhere to the principles of better regulation and their practical implementation during all stages of the legislative procedure to address regulatory complexity, disproportionate bureaucracy and challenges in implementation and accountability of the EU's executive.
- EU state aid instruments should be carefully designed, and its implementation constantly monitored to avoid fragmenting the Single Market, preserve a level playing field, and ensure that companies are not over-compensated.
- ▶ The impact and effectiveness of existing legal frameworks on the functioning of the Single Market and free trade across the EU should be systematically evaluated ex-post and, if necessary, legislation should be revised in a timely manner and disproportionate requirements removed to ensure that EU rules continue delivering for citizens and business.



- Any new EU legal act, policy programme and strategy in its entirety should undergo a more comprehensive competitiveness check⁸, which should be launched by the Commission as of 2024.
- To strengthen the Better Regulation agenda, in 2024, the European Parliament, Council and Commission should update and reinforce the commitments made in the Inter-Institutional Agreement on Better Lawmaking (IIA) and meet them fully.
- The 1-in-1-out principle should offset full compliance costs (not only administrative costs).
- By 2025, the EU should introduce concrete reduction targets on compliance costs and design a dedicated programme to achieve this, as well as keep the regulatory burden of incoming legislation to a minimum.
- Every legislative initiative must be accompanied by a top-quality regulatory impact assessment, verified by the Regulatory Scrutiny Board and to be considered and updated as necessary across all EU institutions, with a systematic application of the SME test? as well as the innovation principle.
- The Council and European Parliament's scrutiny of delegated legislation should become central in the co-legislator's work, especially demanding assessment of the impact of those secondary acts on the Single Market and on SMEs.

A BARRIER-FREE MARKET AS DRIVER FOR INNOVATION, GREEN AND DIGITAL TRANSITION

- As all industrial sectors have the potential to contribute to the green transition, policy initiatives on Single Market integration and regulatory simplification going beyond the narrow scope of promoting clean-tech are necessary.
- ▶ Elimination of unjustified or disproportionate regulatory and administrative barriers to the cross-border provision of services and simplification of access-to-market are crucial for the EU to improve the competitiveness of the services and manufacturing sectors and boost job creation ¹⁰. It is imperative to close the gap in the productivity level of EU services compared to the US, so that our bigger share of the services value added in manufacturing becomes a true competitive advantage ¹¹.
- ▶ The EU must invest at an unprecedented level to meet today's challenges and transform its economic production model. Access to finance, specifically long-term debt financing and equity investment, is a pre-condition for companies to thrive and make the investment necessary to drive growth, maintain competitiveness and provide jobs and prosperity to citizens.

^{8.} See BusinessEurope's <u>position paper</u> on a competitiveness check in EU policy- and law-making.

^{9.} BusinessEurope's analysis on the use of the SME Test across the European Commission services shows that the application of the SME Test is not systematic nor done consistently.

^{10.} European Commission (2022), 30 years of Single Market – Taking Stock and Looking Ahead: 60% of current barriers to the cross-border provision of services are the same as 20 years ago.

^{11.} Copenhagen Economics (2018), Making EU Trade in Services Work for all: 27% of the value added of manufactured goods in the EU is generated by services compared to 20% in the US

- ▶ The EU should put in place a full Banking Union to enable liquidity to flow freely between Member States, which requires that banks' capital is not ring-fenced in specific Member States.
- ▶ The Digital Economy in the EU is not advancing fast enough to remain competitive with other regions. It also falls behind with attracting and retaining talent to test and scale innovation in Europe. While the objective of a strengthened digital Single Market is de-jure in every horizontal legislation, de-facto the integration of the available technologies across the economy remains low.¹² This must change not only by facilitating investment, risk-capital, and lending, but also by increasing legal consistency and uniform implementation. Removal of barriers to international data flows is also crucial to the Single Market.
- ▶ The EU's product regulation framework has been a proof of the public-private partnership success for decades, with policy makers regulating the essential requirements and European Standardisation Organisations offering technical standards based on top industry know-how for voluntary application. Potential changes to this framework due to digitalisation should not undermine this success. Standardisation should stay an industry-driven process as its success rests on the market relevance of the standards developed.
- Aligning international and European standards eases access to global markets, expand Europe's pioneering role in shaping green and digital markets of the future and decrease administrative burden and compliance costs for business. The EU should align with and lead international standardisation to avoid undermining the EU's geopolitical ambitions and pushing out crucial industry know-how.
- ▶ The outcome of the pending ECJ case on 'Right to Know' combined with the existing Commission application of the 'James Elliot' ruling that stipulates harmonised European standards as EU law are radically changing the concept of presumption of conformity with EU product legislation and undermining the entire public-private partnership in European Standardisation.
- ▶ We need a barrier-free Single Market to research, innovate and deploy green and digital products and services in the EU. A competitive environment for innovative research and new business models that foster return on investment in new technologies and their fast uptake is crucial.
- ▶ To encourage investment in the development of new and innovative solutions, companies need to rely on a strong and effective IP system in Europe.
- ▶ Full and correct implementation of the existing public procurement rules, including a successful follow-up of numerous open infringement procedures against Member States, will be essential to unleash the full potential of cross-border public procurement in the EU, which accounts for about 14% of the EU's GDP.

- The EU should urgently liberalise cross-border services in Europe, and in 2025 at the latest launch a thorough screening of permitting, licencing and authorisation schemes, also beyond the narrow scope of services related to clean-tech, with a view to an action roadmap to facilitate cross-border service provision. To have a quick political consensus on this liberalisation agenda, start with the services that are key to manufacturing industry (engineering, industrial installation and maintenance, logistics).
- Harmonised, digital solutions for **social security rules on business trips and short-term postings** as well as **notification obligations for posting of workers** are needed (see suggestion No 27).
- 9 By **2025,** information about **national sector based professional requirements** should be collected and transparently displayed in one single database, for example in the EU's Regulated Profession Database.
- The EU needs to reinforce and implement the **Capital Markets Union** to provide EU companies a genuine Single Market in financial services and support initiatives at Member States level to develop complementary sources of finance to bank lending.
- The EU Digital Economy policy must pause on new legislative initiatives and only intervene to correct genuine market failures; carry forward all the delegated and implemeting acts prescribed by the ending legislature, and make them fit together.
- The EU should preserve the well-tested market access framework for products (NLF) with the publicprivate partnership and voluntary standards at its core: regulate only essential requirements and leave technical specifications for market access to be elaborated by European Standardisation Organisations and aligned with international standardisation efforts, and ensure the consistent application of the NLF principles.
- Common (technical) specifications for products, drawn by the Commission, should be an expiring 'fallback option' until harmonised standards are available, if strictly necessary at all. Their use should be permitted only under a harmonised common approach with strict, finite and clear criteria.
- The Commission should promote competences in innovative technologies and support excellence in research and innovation by facilitating cross-border exchanges and addressing existing skills gaps between Member States.
- The EU should **reduce long processing times for approvals of everything** from cross-border renewable energy projects to industrial engineering, or new types of sustainable products, with the Commission ensuring that administrative procedures and approvals are streamlined across the EU Member States and do not take longer than similar procedures in competing non-EU countries.
- The EU should systematically provide for regulatory sandboxes and experimentation clauses when drafting new and evaluating existing legislation to incentivise companies to develop innovative cross-border projects in Europe.
- Removing disproportionate requirements and administrative burdens, as well as professionalisation of public buyers are key to facilitate cross-border public procurement and participation of SMEs in public tenders. Moreover, the legislative framework on public procurement should be simplified in light of numerous sectoral pieces of legislation containing procurement provisions.

EFFECTIVE IMPLEMENTATION AND ENFORCEMENT TO GUARANTEE A FUNCTIONING SINGLE MARKET

- To ensure a timely, transparent, efficient and correct implementation and enforcement of the Single Market rules, it is crucial to vastly reinforce the Single Market governance infrastructure at EU and national level. Moreover, the Commission must step up its actions to ensure that Member States are not undermining the Single Market by introducing disruptive and disproportionate national legislation, or by incorrectly applying EU law.
- ▶ A significant reinforcement of market surveillance resources in the EU is necessary to ensure a level playing field in the Single Market, guarantee uniform compliance with EU rules, strengthen trust in cross-border services and products, and provide guidance on the implementation of EU law.
- ▶ Member States should always implement EU laws in a lean manner and refrain from the so-called "gold-plating" and refrain from disproportionate national requirements deviating from the objectives of the EU legislation in question.



- The mandate of the Single Market Enforcement Taskforce (SMET) should be enhanced, and transparency of its actions increased, with the creation of stakeholder groups to consult with.
- As of 2024, the Commission should analyse SOLVIT cases annually and present conclusions on whether the outcomes or trends of such cases warrant EU level intervention.
- The Commission should more actively use infringement procedures for breaches of Single Market law by Member States and assertively exercise its role as guardian of the treaties. Member States should engage in an open dialogue on compliance with Single Market rules without politicising infringements of EU law.
- A study should be conducted, and respective measures should be taken regarding the potential establishment of a **preliminary injunction procedure for companies at the European Court of Justice for companies** facing infringement of EU regulations related to the Single Market freedoms by bodies in the host Member States.
- The EU should refocus on uniform implementation and enforcement of Single Market rules by significantly investing in administrative cooperation resources between Members States, including, inter alia, the Internal Market Information System, and strengthening the advisory role of supervising authorities to businesses on compliance instead of heavily relying on private enforcement via costly and lengthy court procedures. Moreover, additional measures to ensure uniform enforcement practices by national supervisory authorities should be taken.
- To reinforce market surveillance resources in the EU, in 2025, the Commission should launch joint compliance actions between market surveillance authorities and European businesses under the EU Market Surveillance Regulation (EU)2019/1020.
- Based on Commission guidelines to be drafted in 2025 on how to prevent divergent transposition of Single Market rules, Member States should introduce respective procedures at national level as 'gold-plating test'.

STRENGTHENED INFRASTRUCTURE FOR A MORE INTEGRATED AND BETTER FINANCED SINGLE MARKET

- ▶ Further integration of network industries and guaranteeing sufficient and reliable physical and digital infrastructure and their interoperability remains key. The free movements of person, goods, services, capital and data vastly relies on connected, streamlined, expanded and future-proof transport, telecommunication, energy and digital networks.
- ▶ After the massive increase of EU legislation over the current political cycle, the focus now must be on correct implementation and the establishment of a functioning and high-quality conformity assessment infrastructure in Europe as well as cooperation with businesses on their best in-house assessment practices.

- To guarantee reliable and efficient infrastructure, the Commission should be granted a stronger mandate in **the financial control and oversight of European cross-border infrastructure projects** to avoid significant delays, a halt of projects of completing trans-European networks or shortcomings in their maintenance.
- The Commission should assess and map actions to ensure top-level EU conformity assessment infrastructure, so that Single Market rules are implemented (especially given a mass of new legislation adopted in the last term, such as Artificial Intelligence Act, Cyber-Resilience Act etc.).

A SINGLE MARKET THAT WORKS FOR CITIZENS, WORKERS AND EMPLOYERS

- ▶ The Single Market should become a genuine European labour market based on free movement of people, reducing labour shortages, enabling skills development and attracting talent. Digitalisation of administrative procedures, an improved recognition of qualifications without excessive regulatory intervention and better coordination of social security systems to create legal certainty for companies regarding business trips and short-term posting of workers would significantly contribute to the free movements of people and services.
- ▶ To foster sustainable growth and innovation and promote the twin transition, a skilled workforce is required. Sufficient investment in education and skills, increased cooperation between the EU, Member States and business, and a strong emphasis on vocational education and industry specific trainings are required to tackle skills gaps and shortages within the EU and ensure the necessary knowledge and employability skills for the twin transition.
- ▶ To remove persistent barriers to the free movement of workers and facilitate labour mobility, access to reliable and good quality information for employers and workers alike should remain a priority. In this context, the European Labour Authority (ELA) plays a significant role in facilitating access to such information.
- ▶ **EU consumer policy** must remain faithful to one of the goals for which it was originally designed for, which is to be an instrument to address barriers in the internal market, in addition to developing balanced protection to consumers.
- ▶ EU legislation heavily impacting EU companies' activities at all levels such as **corporate due diligence** must create a level playing field and prevent legal fragmentation across the Single Market to guarantee effective application of the rules and the respect of EU fundamental freedoms.

- By the end of 2024, the European Commission should establish an EU eDeclaration to reduce companies' administrative burdens relating to the posting of workers and make concrete steps towards the digitalisation of cross-border social security coordination processes, including full application of Electronic Exchange of Social Security Information and introduction of a European Social Security Pass.
- The Commission, together with Member States and social partners, should **identify priority regulated professions** where shortages are strongest to support worker mobility in most demanded regulated professions, including considering the development of voluntary common training principles.
- The EU should establish a cooperation framework with Member States and social partners for mutual recognition of qualifications in non-regulated professions, and urge Member States to simplify and de-bureaucratise the process at national level or, where applicable, determine suitable arrangements together with national social partners.
- By 2025, the Commission should launch an EU initiative which supports Member States in effectively and promptly updating training curricula and qualifications related to labour market needs, including the twin digital and green transitions.
- As of 2024, ELA should further support the provision of individualised and tailored information on labour mobility related issues via a helpdesk or equivalent means. In addition, Member States should provide transparent information in English on minimum employment conditions applicable to the posting of workers.
- An EU legal framework on due diligence (Directive on Corporate Sustainability Due Diligence) needs to ensure **targeted full harmonisation ad minimum** to prevent discrepancies between Member States' transposition laws.

THE ROLE OF THE EU INSTITUTIONS IN ADVANCING THE FUTURE SINGLE MARKET AGENDA

- ▶ The governance mechanisms of all the EU institutions must be strengthened to have a strongly mandated body in charge of the Single Market in each of them. Further advancing the integration of the Single Market must be brought back to the top of the political agenda which requires strong political steering and sufficient administrative back-up capacity dedicated to this goal.
- When drafting and negotiating legal texts with an internal market legal basis (Article 114 TFEU), the EU institutions should fully adhere to Single Market principles and act as guardians of the four Single Market freedoms.

- Before the end of 2024, the Commission should present an all-encompassing annual Single Market governance cycle to streamline the currently scattered initiatives.
- An Executive Vice-President of the Commission in charge of the competitiveness check, including compatibility with the Single Market and the use of Article 114 TFEU, should be appointed and granted a strong mandate regarding the application of the check. A designated Directorate-General for the Single Market should be established to support the Executive VP's work and advance the EU's priorities for the Single Market.
- The role of the Council's High Level Working Group on Competitiveness and Growth should be strengthened. The agenda should include biannual monitoring of the state of the Single Market, the Commission's proposals of legal texts affecting the Single Market and interinstitutional negotiations of such proposals.
- For the next political cycle, we need a **strongly mandated European Parliament Internal Market Committee** which plays a prominent role within the new Parliament, ensuring compatibility of legal texts with the Single Market freedoms provided by the Treaty.
- A preliminary injunction procedure would imply a **better equipped European Court of Justice** capable of delivering quicker decisions guarding the Single Market.



ANNEX I

EXAMPLES OF BARRIERS IN THE SINGLE MARKET

The following examples showcase tangible cases of barriers faced by businesses and citizens in the Single Market, which are key to understand remaining bottlenecks and facilitate informed decision-making.

- **A.** Harmonised European standards: The absence of harmonised standards prevents using the potential benefits of Single Market governance, as it unnecessarily complicates EU market access. (<u>Link</u>)
- B. Weights and dimensions for road freight vehicles: Divergences at national level regarding the permissibility of cross-border freight traffic with different weights and dimensions for vehicles and vehicle combinations, as well as the interpretation and transposition of the respective EU legislation have rendered road transport less efficient and hindered the functioning of the Single Market. (Link)
- C. Corporate due diligence: As a minimum (standards) harmonisation directive, the proposed Directive on Corporate Sustainability Due Diligence allows Member States discretion in the implementation of the Directive, thus contradicting one of its main justifications, namely, to fight legal fragmentation to guarantee one of the EU fundamental freedoms (right of establishment) and ensure fair competition. (Link)
- D. Posting of workers: Companies continue to face an increasing number of barriers when posting workers in the EU, due to different legal and document requirements, practices, and notification systems at national level. There is a growing focus at EU level on achieving greater digitalisation within the processes of social security coordination and posting of workers. (Link)
- E. Waste shipment: Current EU rules hinder the creation of a functioning market for secondary raw materials by making the transport of waste across Member States difficult and expensive, causing inefficiencies in international waste management and challenges for smaller Member States. (Link)
- F. European public procurement: Companies continue experiencing difficulties when competing for public tenders, which limits the benefits of the Single Market for business and citizens and results in less efficient spending of public money. (Link)
- **G.** Single-use plastics: In the current form of the SUP Directive, the 'placing on the market' of certain products would be restricted to the territory of a Member State, rather than the Union Market, creating pre-conditions for market fragmentation. (<u>Link</u>)
- **H.** Transport infrastructure and systems: Businesses experience that Europe is not yet fully connected. In many places, cross-border transport connections are inadequate (insufficient capacity) or completely missing, and national digital systems or physical requirements are often not compatible. (Link)
- I. Packaging and packaging waste: Unilateral national packaging, labelling and information requirements are being introduced by Member States alongside unilateral bans on packaging formats. Additionally, the lack of harmonised EU measures or their delayed adoption is eroding the integrity of the single market. (Link)
- J. Points of Single Contact in the Single Market: Companies intending to export goods and services often face difficulties trying to obtain information about which rules to comply with at national and EU level, which procedures to follow and which public authorities to contact in those Member States they wish to export to. (Link)

ANNEX II

GENERAL ASSESSMENT OF THE EU RESPONSE TO BUSINESSEUROPE'S POLICY RECOMMENDATIONS OF 2019

Business Europe set out the Single Market policy priorities for the EU political cycle until 2024 in its $\underline{\text{strategy}}$ paper of 2019.

The strategy paper listed numerous recommendations by the business community for measures to address bottlenecks in the Single Market, in two chapters: i) regulatory and administrative barriers and ii) enforcement/implementation barriers. **None of the recommendations was taken up fully**.

Recommendations to address regulatory and administrative barriers were either taken up partly (approx. 50% of them, for example on the data economy) or not at all (approx. 50% of them, for example no further opening of the services markets took place or fragmentation even increased).

Recommendations on improved implementation and enforcement were even in a worse situation, with only a few of them taken up partly (approx. 30% of them, for example with the establishment of Single Market Enforcement Taskforce) while the remaining 70% were not followed at all (for example, no tangible improvements in the overall prevention of national gold-plating measures fragmenting the Single Market are observed).

The fact that there was even less attention for the implementation and enforcement improvements is likely due to the 2019-2024 Commission's focus on new legislative initiatives of the twin transition and management of the health and geo-political crises in the last years.

The majority of BusinessEurope's recommendations of 2019 remain valid.





BUSINESSEUROPE

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