

E U R O P E A N E C O N O M I C A R E A
FORUM OF LOCAL AND REGIONAL AUTHORITIES

Ref. 19-4786

TWENTIETH MEETING OF THE EEA EFTA FORUM

Brussels

12 – 13 December 2019

**OPINION ON THE NOTIFICATION PROCEDURE UNDER THE SERVICES
DIRECTIVE**

Rapporteur: Isabelle-Louise Aabel

The EEA EFTA Forum of Local and Regional Authorities:

- A. Having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on Services in the Internal Market;
- B. Having regard to the proposal for a directive of the European Parliament and of the Council on the enforcement of the Directive 2006/123/EC on services in the Internal Market, laying down a reinforced notification procedure for authorisation schemes and requirements related to services, amending Directive 2006/123/EC and Regulation (EU) No 1034/2012 on administrative cooperation through the Internal Market Information system;
- C. Noting the Judgement of the European Court of Justice of 30 January 2018 in the joined Cases C-360/15 and C-31/16 (College van Burgermeester en Wethouders van de gemeente Amersfoort v XBV (C-360/15) and Visser Vastgoed Beleggingen BV v Raad van de gemeente Appingedam (C-31/16));
- D. Having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 19 April 2018 on a European retail sector fit for the 21st Century;
- E. Noting the EEA EFTA Comment by the Standing Committee of the EFTA States of 15 February 2019 on the proposed notification procedure for draft national legislation under the scope of the Services Directive;
- F. Noting the EEA EFTA Comment by the Standing Committee of the EFTA States of 18 September 2019 on priorities for the Single Market beyond 2019;
- G. Having regard to the letter of 19 July 2019 by the Council of European Municipalities and Regions (CEMR) to the members of the Internal Market Committee and Conference of Presidents of the European Parliament;

- H. Noting the role of the Forum as a body in the EFTA structure;
- I. Acknowledging the impact of EU legislation on local and regional authorities in the EEA EFTA States through the EEA Agreement.
 - 1. Draws attention to the European Charters of Local and Regional Self-Government that affirm the democratic right of Municipalities and Regions to self-government;
 - 2. Stresses that the authority to carry out territorial planning is one of the cornerstones of the right to local self-government;
 - 3. Emphasises the need for local and regional authorities to be able to adopt zoning plans to protect the urban environment, reduce climate emissions and safeguard other local or regional legitimate considerations, even though they might in exceptional cases entail restrictions on retail;
 - 4. Urges the Council and the European Parliament not to adopt a notification procedure, which might infringe with local and regional decision-making processes, but to focus on other available alternatives to deal with the issues;
 - 5. Underlines the need for European legislation in general to be efficient as well as effective, which means minimising administrative burdens on local and regional authorities;
 - 6. Emphasises that it could pose considerable difficulties to deal with a standstill period in the local democratic decision-making process;
 - 7. Points to the fact that national courts and competitions authorities can check violation and illegal restrictions and questions the necessity of the proposed notification;
 - 8. Issues a reminder that the European Commission and the EFTA Surveillance Authority may in any case open infringement proceedings;
 - 9. Calls on the EEA EFTA States to work on solutions to the notification obligations under the services directive that do not add administrative burdens at the local and regional levels;
 - 10. Asks the EFTA Secretariat to forward the opinion to the Standing Committee of the EFTA States and relevant EEA and EFTA bodies