**TEMPLATE for describing barriers**

**that companies face in the EU’s Single Market**

***Purpose***

*This template is meant to collect evidence of barriers in the Single Market in a systematic way so that the European Commission (in particular DG GROW) and other European or national authorities have sufficient information to effectively address these. The aim is to submit all evidence to the European Commission, including sufficient technical details. The aim is not to write stories that are exclusively meant for public communication.*

***Guidance***

*The description should cover* ***a barrier in the EU Single Market that hampers cross-border operations, such as limitations to the free circulation of people, goods, services, capital, data, and to the freedom of establishment.*** *Ideally, please also describe the negative effect of the barrier on your operations or the economy. The example can touch upon any sector (digital, energy, capital, environment, defence, etc.). The issue needs to be clearly related to the well-functioning of the Single Market, and not concern just any type of administrative problem. This exercise is not meant to “shoehorn” any policy issue into the frame of the Single Market.*

*The description could be approx. 500-1000 words (flexible). It**should be as* ***concrete*** *as possible. It is important to address mainly existing barriers and examples of a diverging or discriminatory treatment across at least 2 or more EU Member States, and not just fears about future fragmentation that could occur if draft legislation is not altered. It is very useful to consult pro-actively with various departments in a company (e.g. operations, sales, chief economist, engineering, technical standards, IT, etc.) rather than just the public affairs teams (who often focus on future legislation). Associations may need to assist companies describing the barriers accurately with sufficient technical details.*

*It is essential to mention the EU Member States where the barrier occurs, as well as the exact legislation, legal instrument, standard or other technical requirement that causes it. Additionally, try to mention:*

* *An example of “gold-plating” by national authorities and why concretely gold-plating is a problem in your case.*
* *Unjustified price differences between Member States.*
* *Administrative hurdles (complex procedures, etc.) if compared between 2 or more countries to illustrate fragmentation.*
* *Which infrastructure is deficient and hampers cross-border business activity.*
* *The economic impact of the barrier (at national and/or EU level) and what the economic impact would be of removing the barrier.*

*The description can be about a barrier affecting a company’s own sales or operations, or any challenge in the value chain of a company, affecting SMEs. Please indicate the type of change your suggested solution would require (e.g. harmonisation of legislation).*

*It is important for follow-up purposes to indicate a contact who is the “owner” of the barrier (either a company or an association) and who could be contacted if more information is required. You can indicate at the end if you wish the name of a company to remain anonymous or if an example should not be published in the public domain.*

*The fields highlighted in blue are mandatory. Use one template per barrier and feel free to fill in more than one example.*

|  |  |
| --- | --- |
| **BARRIER NO 1: [Title]** | |
| **1. Barrier description** | |
| a. Please describe, as concretely as possible, the cross-border issue hampering operations. |  |
| b. Describe the negative impact on your company and potentially your sector or the economy. Please provide facts & figures. |  |
| c. Any extra evidence (e.g. links to publications or background materials, from your organisation or external sources). |  |
| **2. Barrier categorisation** | |
| a. Country or countries where barrier occurs (feel free to refer to external sources where the Member States are mentioned). |  |
| b. Legislation, legal instrument, standard or technical requirement causing the barrier (please be as specific as possible, and refer to the exact name and provision in a specific EU or national law or rule) | Please elaborate on any of the following:   * National legislation or technical requirements (please specify and provide links where possible) * EU rules, where applicable (exact name of Regulation, Directive, Delegated Act, etc.) * National interpretation of EU rules |
| c. Type of problem\* |  |
| d. Relevant ecosystem\* |  |
| e. Has the barrier already been reported to a relevant European and/or national administration? If yes, how, to whom and what is the status?\* |  |
| **3. Suggested solution / recommendation** | |
| Please indicate the type of change you suggest. Which improvement is required? Please specify, where relevant. |  |
| **4. Organisation info & contacts** | |
| a. Organisation name |  |
| b. Contact details for follow-up purposes (in company or association) | Name:  Position:  Email:  Phone or mobile number: |
| c. Type of organisation (please select answer by highlighting in **bold**) | Company  Business association  Other: |
| **5. Confidentiality & public communication** | |
| a. Should the name of a company remain anonymous? If yes, why? |  |
| b. Should the example remain confidential (not be published in the public domain)? If yes, why? |  |

***Annex***

*The questions in the template marked with an (\*) are not mandatory but providing specific answers will facilitate the internal processing and follow-up by the public administration.*

Question 2.c. – Type of problem:

Indicate one or more of the following possibilities:

1. Lack of or insufficient information;
2. Overlapping/diverging (EU/national) product requirements, rules, procedures or taxes;
3. Restrictions on advertising/marketing;
4. Insufficient cooperation or communication between national administrations;
5. Insufficient digitalisation of information or of procedures;
6. Lack of mutual recognition;
7. Insufficient enforcement of legislation by Member State or Commission;
8. Issues around certified translation requirements;
9. Issues around authorisations/licences/permit requirements, or other document requirements

If other, please elaborate where relevant.

Question 2.d. – Relevant ecosystem:

Please indicate any of the following possibilities: 1. Agri-food ; 2. Health ; 3. Digital ; 4. Construction ; 5. Retail ; 6. Proximity, social economy, and civil security ; 7. Tourism ; 8. Cultural and creative industries ; 9. Aerospace & defence ; 10. Textile ; 11. Electronics ; 12. Mobility-Transport-Automotive ; 13. Energy- intensive industries ; 14. Energy renewables

If other, please specify.

Question 2.e. – Has the barrier already been reported? How, to whom and what is the status :

Please describe which authority is dealing with your problem.

Also indicate if you have already used any of the following available tools to report Single Market barriers:

1. The [official complaint form](https://ec.europa.eu/assets/sg/report-a-breach/complaints_en/) if you want to report a breach of EU law. This could result in stricter enforcement of EU rules (default notice, pilot, etc.).
2. [SOLVIT](https://ec.europa.eu/solvit/index_en.htm) if an EU law has been violated by a public authority or government agency and you want to request a solution through a more informal feedback mechanism. A case can be opened.
3. [Single Market Obstacles Tool / Your Europe portal](https://fosmo.youreurope.europa.eu/?lang=en) to report obstacles on the Single Market which are not necessarily breaches of legislation. The collected information is included in the Commission’s annual single market cycle and should lead to a policy solution.

Feel free to indicate if a certain tool has not worked satisfactorily or is not user-friendly. If you submitted a problem that is not yet resolved, please mention what the status is of your issue.   
  
Feel free to also submit the Single Market barrier you mention in this template directly via one of the tools.