

**Question for written answer E-002205/2021  
to the Commission**

Rule 138

**Jean-Lin Lacapelle (ID)**

Subject: Fraudulent declarations in construction of hypermarkets

While Directive 2006/123/EC of 12 December 2006 on services in the internal market<sup>1</sup> does not itself lay down any restrictions on providers' freedom of establishment, it does permit special rules on prior authorisation in certain cases.

In France, even though the law<sup>2</sup> has often been watered down<sup>3</sup>, authorisation is still needed for the construction of shopping centres with a surface area of over 1 000 m<sup>2</sup> or their extension. However, it is not uncommon for fraudulent building permits to be filed for these centres, declaring a surface area of 999 m<sup>2</sup> while the real surface area is much larger. Their establishment in an area then causes unfair competition, excessive urbanisation and renders the urban fabric far less attractive, none of which lawsuits for damages can put right.

In view of these abuses:

1. Does the Commission consider that the Directive has been transposed correctly by France and that it is being implemented correctly, notably as regards the obligation required of providers to be sincere<sup>4</sup>?
2. If so, would it not agree that this Directive suffers then from shortcomings that enable fraud and that it should be updated?
3. Does it think that a stronger national authorisation and inspection system would be compatible with the provisions in the Directive?

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<sup>1</sup> OJ L 376, 27.12.2006, pp. 36–68 ([https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2006.376.01.0036.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2006.376.01.0036.01.ENG)).

<sup>2</sup> Article L 752-1 of the Commercial Code.

<sup>3</sup> The abolition of the planning certificate, floor plans no longer being included in applications for building permits and the fact that the building inspector is not allowed to check the original plans that were submitted are just some examples of this.

<sup>4</sup> As indicated in Articles 22 and 27 of the Directive in particular.