Implementation of the Services Directive

WORKSHOP REPORT
This document was requested by the European Parliament’s Committee on Internal Market and Consumer Protection.

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Implementation of the Services Directive

WORKSHOP REPORT
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The Service Directive is due to be implemented in Member States by the end of this year. Certain surveys and analysis conducted have shown that there is uneven pace in the transposition processes in individual Member States. The aim of the Workshop is to invite representatives from a selection of Member States to present the state of play of the national implementation. The focus is on the practical implementation of the Points of Single Contact and the potential for reduced administrative burdens for business in the Internal Market. Of special interest will be to highlight best practices in the field.

10:30 - 10:40 Opening & Introduction

10:30 - 10:35 Welcoming and introduction by IMCO Chair Mrs. Arlene McCarthy

10:35 - 10:40 Introduction by the Rapporteur for the Services Directive Mrs. Evelyne Gebhardt

10:40 - 11:30 Session 1: Practical implementation of Points of Single Contact

Special effort is required to ensure that the Directive will work according to the intentions, this concern in particular the setting up of effective and fully operational Points of Single Contacts. Of special interest in this regard is the use of electronic procedures, the communication between the Contact Points, their operational languages and general information. The purpose of session 1 is to hear about the state of play, notably in the setting up of the Single Point of Contact.

10:40 - 10:50 Mr. Frank Platthoff, Finanzministerium, Schleswig-Holstein

10:50 - 11:00 Mr. Marc Hameleers, Projectmanager Implementation Services Directive at the Ministry for Economic Affairs, The Netherlands

11:00 - 11:10 Mr. Clas Heinegård, Special Advisor EU Services Directive Team at the Ministry for Foreign Affairs, Sweden

11:10 - 11:20 Ms. Ana Camossa Neto, Advisor of the Secretary of State for Administrative Modernisation, Ministro da Presidência, Portugal

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1 See for example Eurochambers' six months surveys on the implementation of the Services Directive as well as BusinessEurope's study in the field.
11:20 - 11:30 Questions and Comments

11:30 - 12:10 Session 2: The potential for reduced administrative burdens for business

Many stakeholders hope the implementation of the Directive, notably the foreseen screening of national legislation, will lead to administrative and regulatory simplification. The purpose of Session 2 is to hear about the state of play of the screening process and how Member States are working to ensure coordination between various administrative levels, professional bodies as well as the work to raise awareness of the Directive and its tools.

11:30 - 11:40 Ms. Marie-José Palasz, Head of Mission to the General Economic and Financial Audit Department at the Ministry for the Economy, Industry and Employment, France

11:40 - 11:50 Mr. David Hingley, Project Manager, Services Directive Implementation Project at the Department for Business, Enterprise and Regulatory Reform, UK

11:50 - 12:00 Mr. Jaroslav Zajiček, First Secretary, Head of Section, Permanent Representation of the Czech Republic to the EU

12:00 - 12:10 Questions and Comments

12:10 - 12:30 Discussion & Conclusions

12:10 - 12:25 Discussion chaired by IMCO Chair Mrs. Arlene McCarthy

12:25 - 12:30 Concluding remarks by the Rapporteur for the Services Directive Mrs. Evelyne Gebhardt and by the IMCO Chair Mrs. Arlene McCarthy
1. SUMMARY OF WORKSHOP PROCEEDINGS

The IMCO Chair Mrs. Arlene McCarthy welcomed the participants and the invited speakers. She recalled that the Services Directive was one of the most important issues in the current legislative period. The Directive, adopted in December 2006, is due to be implemented by the Member States by 28 December 2009. The Chair went on to underline the great interest taken from the IMCO committee concerning the implementation process; which is a major challenge for the Member States. In this context the development of the Internal Market Information System (IMI) and its relevance for new needs of cooperation among national administrations is of particular interest. The purpose of the Workshop was to learn about the state of play of the national implementation, notably in relation to the practical implementation of the Points of Single Contact (PSC) as well as the potential for reduced administrative burdens for businesses in the Internal Market. The Workshop was divided into two sessions to allow each of these to focus on the aforementioned objectives. Presentations were followed by questions from the Members.

The rapporteur for the Directive, Mrs. Gebhardt went on to underline the importance of the Services Directive and the interest attached to the implementation process by IMCO. She noted in particular the complexities that may arise due to the different structures in Member States which may affect the implementation process; she made a reference in this context to the federal system in Germany. She also noted that the screening of legislation as well as the setting up of PSC are challenging for Member States.

Session 1: Practical implementation of the Points of Single Contact
Invited speakers representing a selection of Member States dealing with the implementation of the Services Directive presented the state of play concerning the establishment of the PSC in their countries. Reporting of good progress, they also underlined the legal, technical and administrative challenges related to such a complicated system.

Mr. Platthoff from the Ministry of Finance in Schleswig-Holstein highlighted that the Services Directive is an instrument of administrative simplification and modernisation. Referring to Mrs. Gebhardt’s comment on the federal structure of Germany, he pointed to the fact that each Bundesland is responsible for the implementation. Hence, there is a risk that different models for PSCs are being put in place. However, Schleswig-Holstein aimed for establishing a user-friendly PSC and the state government has also decided for a ‘cooperative model’ in order to bundle the competences of all carriers.

Mr. Hameleers from the Dutch Ministry of Economic Affairs explained the guiding principles behind the work taking place in the Netherlands; keeping it simple (necessary and sufficient) and connecting, where appropriate, to already existing tools and policies. The PSC will not be set up as a new competent authority; instead the current authorities remain responsible within their field of competence. He further stressed that the major challenge ahead concerned the organisational part.

Mr. Heinegård from the Swedish Ministry of Foreign Affairs spoke of the development of the Swedish PSC and described in this regard the legislative measures, the funding and operational development put in place. He particularly underlined the need for cooperation among PSCs in different Member States.

Mrs. Camasso Neto from the Portuguese Ministry of the President put forward the guiding principles behind the work of modernising the public services in her home country explaining among others the multichannel approach behind the operation of the ‘one stop shop’.
Questions from Members focused on the actual outcome for businesses from the establishment of PSC and whether all relevant information for setting up the service would be available from the set date (including in which languages). Of interest was also how stakeholders were involved in the process of identifying problems. Members further asked about the communication between Member States and the marketing of the new systems. Member States representatives responded that all information could be obtained from the PSC and that a possible pan-European logo and interface for all the national PSC is currently being discussed. Member States had proceeded differently with regard to language availability. However the approach seemed common and all were seeking to ensure accessibility and availability as an important objective.

**Session 2: The Potential for reduced administrative burden for businesses**

As previous session, this part started with presentations held by invited speakers who addressed the potential for reduced administrative burdens for businesses within their respective Member States. The implementation of the Directive involves a screening exercise of existing legislation and increased cooperation between authorities at different administrative levels. In general terms experts held that the screening process should be regarded as part of existing work to reduce administrative burdens in general. With this in mind it is important to work closely with businesses and other stakeholders.

**Mrs. Palasz** from the French Ministry of Economy, Industry and Employment explained the situation with regard to the screening process in France. A report will be published end of 2009 showing the results from the exercise to identify the national authorisation administrations relevant to the scope of the Directive and to evaluate their compatibility with its disposition. Moreover, the French authorities wish to present proposals to amend legislation for the National Parliament this autumn. The regulatory adaptations have been engaged, or are taken place in parallel, as well as consultations with interested parties.

**Mr. Hingley** from the UK Department for Business, Enterprise and Regulatory Reform gave an overview of the state of play with regard to the UK screening process, both at central and local level, which was on its way to be finalised. A structured approach was undertaken, with a central coordination mechanism in place. Mr. Hingley furthermore addressed the work done with regard to the importance of raising awareness of the Services Directive and the implementation process.

**Mr. Zajíček** from the Czech Permanent Representation to the EU firstly described the Czech national implementation process and secondly, the work done within the framework of the Czech Presidency. He underlined that a clear political will had been decisive in managing this complex and important process. He noted that PSCs were established in 14 regions with the objective to be functional by July this year. The Czech Republic had actively participated in the IMI initiative with effort put in place also to raise awareness of its function (through workshop, seminars, etc.). The useful support by the Commission with regard to the national screening process was said to be appreciated. He highlighted the success of the High-level conference on the Future of Services in the Internal Market held in Prague on 2 February. The Czech Presidency had recognised that the transposition phase was not conducted evenly throughout the Union, and different actions had therefore been taken to ensure a coherent and timely process.

In the following discussion, Members raised questions on how the EP could further cooperate with national Parliaments. Of interest was also to know the timely delivery of Member States’ implementation reports. In closing the Workshop, Members thanked the representatives for their contribution and recognised the vast challenge the implementation process entailed. They wished for the IMCO committee to follow the further developments on the implementation process, notably the practical implications for service providers and the development of the coordination of the PSC.
Directive on services in the internal market

Implementation by Schleswig-Holstein, Germany

Brüssel, 31. März 2009

Ministry of Finance, Schleswig-Holstein

point of single contact
Schleswig-Holstein – North of Germany

**Facts:**
- SH is one of 16 states in Germany
- Inhabitants: 2,837,810 people
- Area: 15,799.38 sq. km
- New trade registrations 2007: 30,781
- Chambers of handicrafts: 2
- Chambers of commerce and industry: 3
- Many local administrations

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**Administrative Simplification**

- Schleswig-Holstein understands the service directive as an instrument of administrative simplification and modernisation.
- Administrative procedures should be faster, easier and cheaper.
- The first step is to examine the procedures and formalities.
- The second step is to install the point of single contact, to make it easier to complete the relevant procedures and formalities.
- The third step is to ensure the electronic processing of the relevant procedures and formalities.
Implementation: how?

- There will be only one point of single contact in Schleswig-Holstein.
  - Germany is a federal republic – so each state („Bundesland“) has to implement the single point of contact independently.
- Which carriers of public administration are concerned?
  - Essentially:
    - Municipalities (local administration: „Gemeinden“ and „Kreise“)
    - Chambers („IHK“ and „HWK“)
    - The state government („Land Schleswig-Holstein“)
- Which skills do these administrative institutions have?
  - In order to bundle the competences of all carriers, the state government decided for a cooperative model.

Competences in a cooperative model

<table>
<thead>
<tr>
<th>WHO</th>
<th>COMPETENCES</th>
<th>RESULT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipalities</td>
<td>responsible for most administrative procedures</td>
<td>PSC</td>
</tr>
<tr>
<td>Chambers</td>
<td>representing the interest of the companies</td>
<td>legal person of public law called Einheitlicher Ansprechpartner Schleswig-Holstein Anstalt des öffentlichen Rechts</td>
</tr>
<tr>
<td>State gov.</td>
<td>sets the economic framework</td>
<td>Shared • responsibility • funding • staffing • success</td>
</tr>
</tbody>
</table>
Why this?

The most important reasons for the institute model ("Anstalt des öffentlichen Rechts") are:

- the bundling of the authority and networks of the carriers,
- the legally obligatory structure of co-operation,
- the technical concentration in a place in the country,
- the simplicity of the structures (also for foreign services),
- the economy of the solution (especially: Personnel and IT),
- the support of this solution by the carriers,
- the legal opinion of the “Lorenz-von-Stein Institut” and “Ludwig-Fröhler-Institut”.

Electronic procedures

e-government act by state government to ensure the electronic co-operation of all administrative institutions

- Technical solution by state government
- All administrative institutions might use the technical components
thank you for your interest
The Dutch approach

Implementing the Points of Single Contact in The Netherlands

Marc Hameleers
Brussels, IMCO, 31-3-09

20 April, 2009

SD implementation in The Netherlands

Operational aspects
• interdepartemental project organisation (core = 12)
• steered by the 3 most involved Secretaries General
• Minister of Economic Affairs politically responsible
• 7 other departments involved
• close cooperation with the associations of local and regional authorities

Highlights
• Services Act: in the First Chamber of Parliament
• Modifications Act: in the Second Chamber
• drafting secondary legislation
• screening: at state level >650 in scope, several tens of (smaller) modifications to be made. Municipalities still screening.
• participation in the IMI pilot for administrative cooperation
• building and implementing the Point of Single Contact
Principles

• Keep it simple -> mantra “necessary and sufficient”
• Make use of existing tools -> portal “Antwoord voor bedrijven” and software tools that are available or being developed in house
• Connect with existing policies -> e.g. eGovernment, administrative simplification programmes, better services for businesses
• Competent authorities remain responsible for the execution of their formalities -> PSC will not become a new competent authority
• “Through the PSC” -> legal obligation to respond via PSC
• Choose a design according to the Handbook -> Facilitator model
• To be used by Dutch businesses as well
• Languages -> Dutch, overarching structure translated into English
• Check feasibility with decentralised and other competent authorities -> proposal is feasible, but urgency is needed at the authorities

PSC = Antwoord voor bedrijven

• www.antwoordvoorbedrijven.nl
-> existing governmental business portal
-> provides information on legislation, subsidies, doing business
-> website plus back office/call centre (20 people involved)

• SD implementation = transformation
  -> New = completion of administrative transactions

Two essential applications at the heart of the PSC
• All relevant information made available throught “content syndication” (= connecting websites): “Cooperation Catalogues”
• Secure environment for exchange of information between service provider and competent authority (requests, authorisation schemes): “Message box”
Beta version

Service provider

- = secure data traffic
- = messages routed outside of the message box (unsecure)
Where are we now?

- Beta version of PSC up and running
- English translation available of all relevant meta-information
- 600 competent authorities (CA) to be connected to the PSC
  -> content syndication for disclosure of formalities
  -> message box for secure communication
  (NB: in parallel: connecting their back office to the IMI)
- Score: 300 connected to the Content Syndication application
  170 connected to the Message box
- We intend to have all CA connected by September 30
- Communication, marketing and implementation efforts:
  -> Account teams
  -> Implementation teams visiting all competent authorities
  -> In May/June: 4 regional roadshows

Thank you for your attention

More information can be found at:
www.dienstenrichtlijn.ez.nl
Development of Swedish PSC

Clas Heinegard, Swedish SD Team
31 March 2009

Development of Swedish PSC

- Legislative measures
- Funding
- Operational development
  - One PSC = Web portal + Help desk
  - Intermediary role
  - In Swedish and English
  - Make use of existing e-structures/projects
  - Developers: National Board of Trade, Agency for Economic Development and Consumer Agency

Activities: Architecture/general concept, management model, elaboration and testing of services and tools, translation, graphic design, communication with stakeholders, marketing etc.
At the PSC web site, service providers will be able to

- find information on requirements and competent authorities
- find other business relevant information
- communicate with competent authorities

Services and tools
PSC development – ‘external’ aspects

• Involvement of stakeholders and users
  → General PSC solution and testing of tools/services

• Connecting competent authorities to PSC
  → ~ 80 procedures (central, regional and local level)
  → Uniform and flexible approach

• Cooperation with COM and other MS
  → Cross border aspects (front/back office issues)
THE SERVICES’ DIRECTIVE POINT OF SINGLE CONTACT
Portuguese Approach

Agenda

- Simplifying licenses
- The Licenses Catalogue 1.0
- Work in progress-The services Directive PSC (the licenses Catalogue 2.0)
- Next Steps
Principles

- Proportionality to risk: culture of trust
- Eliminating unnecessary procedures
- Eliminating double control and information requests
- Providing prompt responses
- Transparency, information, predictability
- Monitoring, assessment and correction
- One stop shop; multichannel approach

The legal deadline for the decision is 10 days.
The WEB Channel: Business’s PORTAL

450 services from 78 public bodies

The business Portal provides informational and transactional services covering the business lifecycle:

- Starting a business
- Managing business activities
- Expanding a business
- Closing or Selling a business

www.portaldaempresa.pt
Agenda

- Simplifying licenses

- The Licenses Catalogue (PSC 1.0)

- Work in progress-PSC 2.0

- Next Steps
<table>
<thead>
<tr>
<th>License ID</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Description</td>
</tr>
<tr>
<td>2</td>
<td>Useful information: legal information and other</td>
</tr>
<tr>
<td>3</td>
<td>Economic activity code</td>
</tr>
<tr>
<td>4</td>
<td>Statistics</td>
</tr>
<tr>
<td>5</td>
<td>Validity</td>
</tr>
<tr>
<td>6</td>
<td>Competent authority</td>
</tr>
<tr>
<td>7</td>
<td>Time for decision</td>
</tr>
<tr>
<td>8</td>
<td>Cost</td>
</tr>
<tr>
<td>9</td>
<td>Instruction</td>
</tr>
<tr>
<td>10</td>
<td>Reasons for Refusal /means of redress</td>
</tr>
<tr>
<td>11</td>
<td>Form (Link)</td>
</tr>
<tr>
<td>12</td>
<td>Contacts</td>
</tr>
</tbody>
</table>
Licença para Exercício da Actividade das Empresas de Animação Turística

Descrição da Actividade:

O exercício da actividade das Empresas de Animação Turística depende de licença, constante de avença, a conceder pelo Turismo de Portugal, I.P.

Informação Útil:

As empresas de Animação Turística exercem actividades lúdicas, culturais, desportivas ou de lazer que, destinando-se predominantemente a turistas ou visitantes, contribuem para a satisfação dos seus tempos livres ou satisfação das necessidades e expectativas decorrentes da sua permanência na região, como assim:

- Bano e spa: atividades aquáticas: atividades aquáticas (várias, surf, bodyboard, equilíbrio, vela, remo, canoagem, mergulho, pesca desportiva);
- Aventuras (aéreas, terrestres, marítimas);
- Esportes e práticas (parasailing, parapente, hidrofoil, voile, arco e flecha, caça, pesca, ciclismo, vólei, futebol, ginástica, ginástica rítmica, equitação, ginásio, natação, remo, vela);
- Riscas de natureza turística (pedras, em pé, acima das árvores); práticas (aéreo, terrestre, marítimo);
- Viagens e desportos (naturalismo, esportivos, recreativos, terapêuticos);
- Recreio e lazer (parques temáticos, casas de folga, parques temáticos).

Apenas as empresas detentoras de licença de empresa de animação turística atribuída pelo Turismo de Portugal, I.P. podem exercer as actividades referidas.
Agenda

- Simplifying licenses
- The Licences Catalogue 1.0
- Work in progress-The services Directive PSC (Licenses Catalogue 2.0)
- Next Steps
Pilot PSC

Tourist Entertainment activities

Physical network of PSC
Agenda

- Simplifying licenses
- The Licences Catalogue 1.0
- Work in progress-The services Directive PSC (Licenses Catalogue 2.0)

Next Steps

- Helpdesk (phone or internet)
- English version of the catalogue
For more information

www.portal daempresa.pt

www.simplex.pt

THANK YOU FOR YOUR ATTENTION

Ana Camossa Neto
Adviser of the Secretary of State for Administrative Modernisation
31st March 2009
Ms. Marie-José Palasz

Rappel du dispositif de transposition

Le ministère de l’économie, de l’industrie et de l’emploi a été désigné par le Premier ministre pour coordonner les travaux nécessaires à l’introduction en droit interne des dispositions de la directive. En mars 2007, une équipe entièrement dédiée à cette mission a été constituée pour assurer le pilotage de ces travaux, et par conséquent pour déterminer et coordonner tant au sein du ministère qu’au niveau interministériel les actions à entreprendre.

La Mission de transposition s’appuie les services du Secrétaire général aux affaires européennes et sur ceux du Secrétaire général du Gouvernement placés auprès du Premier ministre ; elle dispose également d’un réseau d’une quarantaine de correspondants dans les départements ministériels concernés.

Elle a été par ailleurs auditionnée à plusieurs reprises par les délégations aux affaires européennes du Sénat et de l’Assemblée nationale ainsi que par le Conseil économique, social et environnemental pour présenter l’état des travaux.

Les principaux chantiers

1 - Le passage en revue de régimes d’autorisation

Cette démarche consiste à identifier les régimes d’autorisation nationaux relevant du champ de la directive et d’évaluer leur compatibilité avec les dispositions de celle-ci.

Cet exercice qui a associé l’ensemble des administrations concernées est désormais achevé. Le rapport qui devra être transmis, fin 2009, à la Commission et à nos partenaires doit encore être rédigé et tiendra compte des réformes engagées.

2- L’adaptation de certains dispositifs législatifs et réglementaires aux exigences de la directive

Cette seconde étape à caractère juridique, nécessairement postérieure au passage en revue, consiste à adapter certains régimes d’autorisation en procédant à des modifications législatives et/ou réglementaires.

Certaines réformes législatives et réglementaires de transposition ont déjà été lancées (urbanisme commercial, hôtellerie, évolution de la profession d’avoués, des ventes volontaires, organisation de la vente de voyages, profession d’agents sportifs).

Dans un nombre important de secteurs, les consultations sont en cours avec les représentants des professionnels et les parties intéressées. Les réflexions menées sur les réformes à entreprendre ont également associé les organisations professionnelles et syndicales concernées.

Les Autorités françaises souhaitent pouvoir présenter devant les Assemblées les projets de modifications législatives durant le deuxième semestre de l’année 2009. Les adaptations réglementaires ont été engagées ou le seront en parallèle.

3- La mise en œuvre des guichets uniques

En effet, l'article 8-V de la loi de modernisation de l'économie du 4 août dernier désigne les réseaux des centres de formalités des entreprises (CFE) comme support des guichets uniques de la directive services. Concrètement, il y aura donc plusieurs guichets uniques dont la compétence sera fondée sur la combinaison de plusieurs critères : ressort géographique, secteur d'activité concerné et forme juridique de l'exploitation.

A ce jour, les CFE permettent à l'ensemble des créateurs d'entreprises (personnes physiques ou personnes morales) d'accomplir les formalités généralistes de création d'activité (inscription au registre, aux services fiscaux, à l'Urssaf notamment).

La France disposera donc de guichets physiques présents sur l'ensemble du territoire ; les CFE sont situés la plupart du temps localement au niveau du département.

Un portail électronique unique assurant la double fonction d'information des prestataires et de lieu d'accomplissement des formalités est également en cours de mise en place.

Ces guichets seront accessibles gratuitement par les ressortissants communautaires et par les nationaux et à moyen terme ils couvriront un champ plus vaste que celui de la directive services.

**La simplification des procédures**

Les travaux de transposition s’inscrivent en France dans un contexte général de libération de la croissance et de modernisation des professions (voir notamment les travaux de la commission présidée par Jacques Attali\(^1\) et de la commission présidée par Maitre Darrois sur les professions du droit\(^2\)).

Les différents chantiers rappelés ci-dessus ont un objectif commun de simplification et d’allègement des procédures pour le prestataire de services. Ils font partie d’un ensemble de travaux menés en lien notamment avec les travaux européens « Mieux légiférer » et les réflexions sur la réduction de la charge administrative.

Ils mobilisent l’ensemble des administrations et sont suivis par de nombreuses parties intéressées : organisations professionnelles, organisations syndicales, réseaux d’aide et de soutien à la création d’entreprises.

Ils participent d’une priorité gouvernementale de simplicité pour la création d‘entreprise : création très rapide et en ligne pour les auto-entrepreneurs, proposition de réduction des formalités issues des réflexions menées dans des groupes de travail associant administration et entrepreneurs.

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1 Rapport de la Commission présidée par J. Attali pour la libération de la croissance française
   http://lesrapports.ladocumentationfrancaise.fr/BRP/084000041/0000.pdf

2 Rapport de la Commission présidée par M. Darrois sur les professions du droit
Content

- Screening UK legislation and practices
- Central level
- Devolved and Local level
- Competent Authorities
- Awareness Raising
Screening UK legislation

- Major and lengthy process
- 6000 pieces of legislation
- Structured approach
- Central co-ordination
- Complements previous simplification activities
- The UK Better Regulation agenda

Central level

- BERR is co-ordinator across Government
- Each Department screening own legislation
- Each Department dealing with its own sub-bodies
- Meticulous procedure requiring adequate explanations for justifications
- Finalising this exercise now
- Future reporting to the Commission
Devolved and Local level

- Scotland, Wales and Northern Ireland – central and local levels
- 444 English Local Authorities
- Guidance across Directive on website
- Screening their administrative practices for compliance
- Administrative co-operation and PSC
- NB local authorities are service providers too
- Enforcement

Competent Authorities

- Regulators, professional bodies – and Local Authorities
- Screening
- Quality of services – commercial communications, multidisciplinary activities, insurance
- Identifying CAs in scope
- Guidance and support from BERR
- PSC, IMI and administrative co-operation
Awareness raising

- Very important for UK Government
- Across all constituencies
- Business awareness vital
- Website, e-mail communications
- Publicity material
- Consultation, guidance
- Workshops, events
- Publish economic studies, report to Commission

http://www.berr.gov.uk/servicesdirective