

Free movement of goods: elimination of obstacles to trade, Commission intervention mechanism

1997/0330(CNS) - 18/11/1997 - Initial legislative proposal

OBJECTIVE: to ensure rapid restoration of the free movement of goods when it is impeded in such a way as to seriously disrupt the functioning of the internal market. **SUBSTANCE:** the Commission proposes adoption of a regulation creating a specific Commission intervention mechanism so that certain obstacles to the free movement of goods are rectified rapidly. Under this mechanism, the Commission would request the Member State concerned, by means of a decision, to take the measures necessary to bring to an end a clear and unmistakable obstacle to the free movement of goods within the meaning of Articles 30-36 of the Treaty. The power given to the Commission would be confined to certain cases for which rapid action is necessary. A decision taken by the Commission would thus produce immediate legal effects for individuals in the national legal systems. The proposal envisages that, where the Member State does not comply with the Commission's decision within the given period, the Commission will immediately refer the matter to the Court of Justice under Article 169 of the EC Treaty within the very short deadlines set out in the Regulation. ċ