European Parliament
To the attention of: Mr. Gutierres Prieto
Rapporteur on the Notifications Directive

EU Council Romanian Presidency
Mr. Niculae Bădlău Minister for Economic Affairs

Date: January 10, 2019
Dealt with by: Mark Boekwijk, m.boekwijk@amsterdam.nl
Copy to: Mr. Timmermans, 1st Vice-President of the European Commission
Ms Bieńkowska, Commissioner for the Internal Market
Subject: Proposals on notifications regarding the Services Directive

Dear Mr. Bădlău, dear Mr.Gutierres Prieto,

Hoping this finds you well, I would like to share with you with some urgency, and on behalf of a line up of European cities, a major concern on the current proposals for notifications regarding the 'EU Services-Directive'.

I understand that the European Parliament and the Council are in the process of negotiating these proposals. We believe that the proposals, in combination with recent rulings by the European Court of Justice on the scope of the Services Directive, can have serious and undesirable implications for the process of decision-making by all local authorities in Europe.

In the new proposals for notifications, all new regulatory draft measures that may affect the Internal Market for services, will need to be notified in advance, including draft proposals by our city councils. This is new. Also new is a standstill period that has to be observed in which the European Commission reviews the notified regulation.

We are worried about the regulatory burdens this will bring about for our cities. Especially since we see that the potential scope of the Services Directive has been significantly widened by rulings of the EU Court, including: arrangements for local warehouses and shops, urban planning proposals, arrangements for services that are purely local.
For instance, our cities have a major challenge to manage the growing daily stream of tourism to our historical city center. Of course, we are first and foremost a welcoming city. However, we have to find new arrangements to remain this welcoming city, while at the same time ensure our city’s livability to its inhabitants. To keep the city livable and workable, we will look into different possibilities, such as maximizing groups for guided visits, limiting certain shops in certain districts that serve only tourists and limiting certain types of ‘fun transports’ such as ‘beer bicycles’.

When it comes to urban planning, which is a key responsibility for local authorities and crucial for maintaining the livability in our cities, we are often balancing different interests of different stakeholders. The number of urban planning proposals throughout the year are manifold. In addition our city council, and our citizens, may wish to limit certain types of activity in our city, such as the trade in certain live animals (lobsters, crabs), or trade in certain animal products (fur products).

Other examples from our daily practice, that will face stand-still procedures under the scope of the new notifications procedure: quality criteria that we may impose on our child centers (for example a minimal number of guardians to ensure child safety). Or specific criteria for (language) skills for employees to avoid accidents on construction-sites. Again, these are just some illustrations of the many local draft measures that will need to be pre-notified.

In short: The stream of draft proposals from European cities, carefully developed by our mayors and deputy mayors, that may need to be pre-notified for examination by the European Commission, will potentially be enormous.

We know that the European project is met with cynicism by a growing number of citizens in Europe. And actually, quite often it is at local level where you will find in cities true defenders of Europe. There exists an enormous potential for a strong partnership between the EU institutions and Europe’s flourishing cities. Cities have benefited enormously of European integration and the free movement of goods, services and people. They have been engines of growth, innovation, job creation and upward social mobility. We are ready to defend these values.

However: The proposal as it is now interferes with local democratic processes. It is not pragmatic and creates extra administrative burdens for all levels of government, including for the European Commission itself. Furthermore, pre-notifying draft measures will affect our cities’ ability to act quickly in order to protect the quality of city life, the authentic character of historic urban centers, social cohesion and economic diversity.
I urge you to take our concerns into consideration, and provide alternative solutions to avoid the stand-still period and include an exemption for spatial and urban land use plans, when finalizing your decisions. Such an alternative solution could be to make the procedure to notify easier through a smart ICT-based notification-device, possibly in combination with an annual report by Member States to the Commission.

We are available at your convenience to further discuss these alternatives.

On behalf of the mayors of the cities of Berlin, Madrid, Barcelona, Budapest and Riga

Yours sincerely,

Femke Halsema
Mayor of Amsterdam