



## 2021/2043(INI) Tackling non-tariff and non-tax barriers in the Single Market

Dear MEP,

The European Tax Adviser Federation (ETAF) is a European umbrella organisation for 280,000 tax professionals from France, Germany, Italy, Belgium, Romania and Hungary. The main role and mission of ETAF is to represent the tax profession at European level in liaising closely with European policy makers in order to promote good legislation in tax and professional matters.

In this context, please allow me to refer to you in your capacity as (shadow) rapporteur on the initiative rapport 2021/2043 (INI) “Tackling non-tariff and non-tax barriers in the single market” and to provide you with ETAF’s statement regarding the draft report published on 16. June.

### **Clarification of the report’s scope**

As stated in Article 4 of the Treaty on the Functioning of the European Union both, single market and consumer protection, refer to shared competences. Consequently, national, and European legislation complement each other in a well-balanced manner. To avoid the removal of important national regulation, for example concerning consumer protection, ETAF suggests reducing the scope of the report in accordance with existing European legislation and established case-law of the European Court of Justice to unjustified barriers solely.

### **Regulations of tax accountants and liberal professions**

Tax accountants and various other liberal professions like lawyers, physicians, architects, or engineers are of particular significance of both, European economy and society. Therefore, national regulations on the admittance of regulation and on professional practice should be respected as long as these regulations are in accordance with existing European legislation and the case-law of the European Court of Justice.

### **Request of new legislative proposal regarding core freedoms**

Regarding recital E. of the draft report, ETAF currently does not see the need for a new legislative proposal regarding core freedom in the single market. Besides, the Commission did not announce any corresponding publication. Instead, ETAF proposes to improve existing instruments supporting the functioning of the single market, such as the database of regulated professions.

### **Discussion about the Services Package**

The European Parliament has already determined its position regarding the Services Package of 2016 (see No. 21 and 22 of the resolution 2020/2020 from 20. January 2021). Therefore, to avoid any inconsistency caused by dissimilar statements, ETAF highly recommends excluding the statement made in recital 5.

### **Doubtful data surveys**

ETAF can't help to notice, that the source COM (2020) 94 final mentioned in recital A of the draft report trying to prove the stated facts therein refers to nothing but a study of the year 2018 (see Højbjerg Brauer Schultz (2018): „25 years of the European single market [rapport-25-years-of-the-single-market.pdf \(em.dk\)](#)). This study is mainly based on out-dated figures of the year 2014, also including data of e.g., Britain. Furthermore, the study mentions Norway to be a Member of the European Union and includes data from Norway, too. Data of other EFTA-countries on the other hand are not included. (see page 24; table 2.2). In any case, the study does not reflect the countries of the single market. Therefore, the stated facts of recital A of the draft report do not seem to be suitable for the intended statement.

### **Recognition of so-called natural barriers**

ETAF agrees with the rapporteur's statement, that some barriers can be caused by administrative practices in the member states." (No. 8 of the draft report.) The European Parliament should on the other hand, recognise that some barriers are simply caused by the diversity of language or culture in the Member States.

### **Improvement of the reform recommendations of the Commission**

With regard to the update of reform recommendations (COM(2021) 385 final) of regulated professions ETAF proposes to ask the Commission to improve future recommendations of regulated professions as follows: The Commission should be more cautious to generalise results of corresponding studies and should not only list potential advantages of reform efforts to be executed by the Member States, but all significant potential consequences. Moreover, the Commission should publish the reasons of Member States not accepting the recommendations of the Commission.

### **Tasks and competences of SMET**

Finally, ETAF critically questions the attempt to expand the tasks or competences of the Task Force SMET to an extent, that would cause serious conflicts with the principle of subsidiarity (No.18 of the draft report).

We thank you for your time and stay at your disposal for any question you might have.

Yours,

Philippe Arraou

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