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Ex ante evaluation – assessment of the need to establish a multi-annual programme in order to organise training and exchanges of officials in charge of the implementation of mutual assistance under the Services Directive (2006/123/EC)

Accompanying document to the

REPORT FROM THE COMMISSION

On training and exchanges of officials in charge of the implementation of mutual assistance under the Services Directive (2006/123/EC)

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1. INTRODUCTION

1.1. Background

The Services Directive[1] seeks to make it easier for both businesses and consumers to take full advantage of the fundamental freedoms guaranteed in Articles 49 and 56 of the Treaty on the Functioning of the European Union (TFEU)[2] – the freedom of establishment and the freedom to provide services across borders. Its provisions aim to simplify administrative procedures, to remove obstacles for services activities and to enhance trust between Member States[3] in each others' rules and controls.

Articles 28 to 36 of the Services Directive oblige Member States to assist each other and to exchange information on service providers. The objective of this day to day cooperation is to avoid a multiplication of controls and to ensure effective supervision of service providers. In practice, this means that competent authorities operating at national, regional and local level need to provide information directly to their counterparts in other countries and, if necessary, carry out factual checks, inspections and investigations.

In order to function properly, administrative cooperation needs to be supported by technical means which enable direct and fast communication between the competent authorities of different Member States. Therefore, Article 34(1) of the Services Directive obliges the Commission to "*establish an electronic system for the exchange of information between Member States, taking into account existing information systems*".

The Internal Market Information System (IMI) fulfils this function. This IT-based information network was developed by the European Commission in close cooperation with Member States. IMI contains, most notably, (1) a multilingual search function that helps competent authorities identify their counterpart in another country, (2) pre-translated questions and answers for all cases in which they are likely to require information from abroad, and (3) a tracking mechanism that allows them to follow the progress of their information request and that also allows IMI coordinators at national or regional level to intervene in the event of problems.

IMI has been tested successfully for information exchanges in the framework of the Directive on the recognition of professional qualifications[4] and is now operational in that area.[5]

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[1] Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L376 of 27.12.2006, p. 36).

[2] Ex Articles 43 and 49 of the EC Treaty.

[3] The term 'Member States', in this document, is used to refer to the 27 EU Member States and the three EFTA countries participating in the European Economic Area (EEA), i.e. Norway, Iceland and Liechtenstein.

[4] Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L255 of 30.9.2005, p. 22).

[5] See "Delivering the benefits of the single market through enhanced administrative cooperation – Progress Report on the Internal Market Information System", Commission Communication of 6 November 2008 (COM(2008) 703 final), p. 10.

Setting up IMI for the Services Directive is a challenging task. By 28 December 2009, the deadline for the implementation of the Directive, an operational network for administrative cooperation that caters for all authorities with responsibilities in any of the many areas of application of the Directive had to be in place. To help prepare competent authorities for the use of IMI, the Commission and Member States agreed to start using the system on a pilot basis throughout 2009. The pilot ran until 28 December 2009. On that date, the IMI services module became operational.

On 2 October 2009, the Commission formally decided that IMI shall be used as the electronic system mentioned in Article 34(1) of the Services Directive.[6]

1.2. The aim of this assessment

The wide scope of application of the Services Directive is likely to lead to a large and diverse pool of IMI end-users. They all need to understand how IMI works and how it can support them in their tasks. Awareness-raising and training activities are therefore crucial for the correct implementation of the provisions on administrative cooperation. However, organising these activities in a way that reaches every user and addresses his or her individual needs is highly complex.

Article 34(2) of the Services Directive calls on Member States to take, with the assistance of the Commission, "*accompanying measures to facilitate the exchange of officials in charge of the implementation of mutual assistance and training of such officials, including language und computer training*".

Article 34(3) asks the Commission to "*assess the need to establish a multi-annual programme in order to organise relevant exchanges[7] of officials and training*".

In a progress report on IMI of 6 November 2008, the Commission reached the conclusion that, with regard to administrative cooperation under the Services Directive, "*the current level of investment in training and awareness needs to be intensified in order to bring about the desired outcomes*". Therefore, it announced that in 2009 it would "*carry out an ex-ante evaluation to look at different options and to assess whether there is a need to set up a possible multi-annual training and exchange programme for the administrative cooperation provisions of the Services Directive*"[8].

This document accompanies the Commission Report on training and exchanges of officials in charge of the implementation of mutual assistance under the Services Directive. It assesses the need for a multi-annual programme, on the basis of the experience gathered between the date of the adoption of the Directive (December 2006) and October 2009, in particular from the IMI pilot project for services. It considers the

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[6] Commission Decision 2009/739/EC of 2 October 2009 setting out the practical arrangements for the exchange of information by electronic means between Member States under Chapter VI of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJ L263 of 7.10.2009, p. 32).

[7] Other language versions make it clearer than the English that what is meant by "*relevant*" exchanges and training is in fact the exchanges and the training referred to in paragraph 2 (German: "(…) *zur Organisation derartiger Beamtenaustausch- und Fortbildungsmaßnahmen*"; French: "(…) *afin d'organiser lesdits échanges de fonctionnaires et formations*"; emphasis added).

[8] See footnote 4.

need for training on the one hand and the need for exchanges of officials on the other hand separately. As regards training, it distinguishes between training in relation to (1) the general obligation of administrative cooperation in the framework of the Services Directive (content-related training), (2) the use of IMI from a technical point of view and (3) general "*language and computer training*" as mentioned in Article 34(2) of the Services Directive.

It should be noted that Article 34(1) of the Services Directive refers to the Commission as the main actor, whereas Article 34(2) refers to Member States as the main actors. This difference will be reflected in the approach to the analysis:

–   As regards Article 34(1), the Commission has met its obligation to set up IMI and is now responsible for ensuring that IMI works well from a technical point of view. The assessment will therefore examine how well competent authorities and IMI coordinators are able to use IMI and what training is needed to support them in this respect;

–   As regards all other aspects, in particular the exchange of officials and general language and computer training (Article 34(2)), the Commission is asked to *assist* Member States. Therefore, the assessment in these regards will be based on an analysis of initiatives and demands on the part of the Member States.
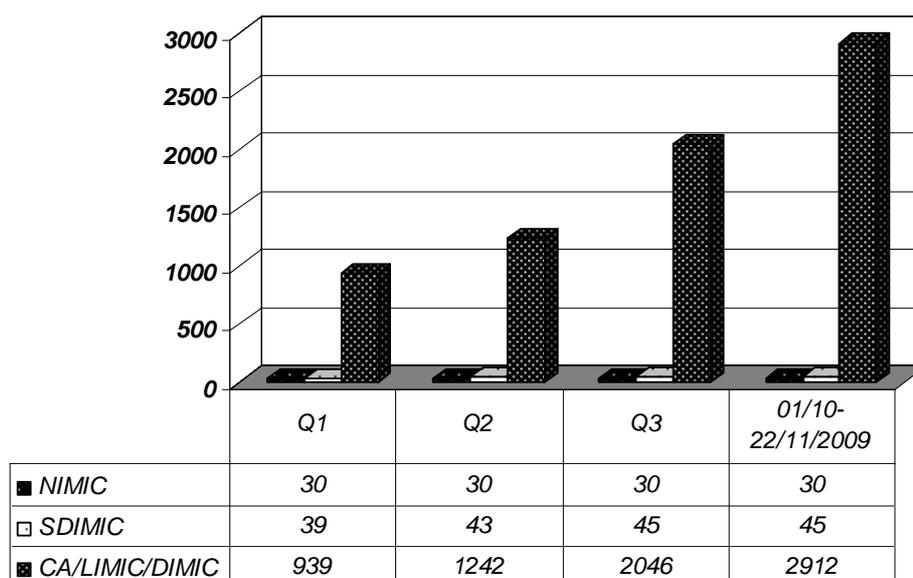
2.   THE CURRENT SITUATION

2.1.   IMI for the Services Directive – a rapidly growing network

The decentralised structure of the IMI network requires each participating country to nominate a "national IMI coordinator" (NIMIC) to manage overall IMI project coordination in this country. The NIMIC is free to decide how to go about this, in particular how to ensure that all competent authorities that need to use IMI are registered, how to raise awareness and how to provide training and support to end-users. Depending on their administrative structures, many Member States have decided to delegate all or certain coordinating functions to other levels, to "delegated IMI coordinators" (DIMIC) or, in the case of regional coordinators with full IMI responsibility, to "super-delegated IMI coordinators" (SDIMIC). Given that IMI now operates in different legislative areas (professional qualifications and services), some Member States have asked for the introduction of a coordinator with full responsibility for one legislative area at either national or regional level, a "legislative area IMI coordinator" (LIMIC).

At the time of writing, 2912 competent authorities throughout the EU were registered in IMI with access to the services module, compared to 731 for professional qualifications. From the second to the third quarter of 2009, the number of authorities registered for the services module nearly doubled, on the one hand showing that Member States were making good use of the pilot project to put the necessary structures in place, but on the other hand making it impossible to predict how many authorities will be using IMI for services at maturity.

Total number of authorities with access to Services module

	Q1	Q2	Q3	01/10-22/11/2009
■ NIMIC	30	30	30	30
□ SDIMIC	39	43	45	45
▨ CA/LIMIC/DIMIC	939	1242	2046	2912

Moreover, system statistics show that most registered authorities have only one registered user so far, and a significant percentage of these have so far not yet logged in to IMI.

2.2. Training for competent authorities and IMI coordinators

Despite the low login rate, in a survey carried out in July and August 2009 amongst all authorities registered in IMI, 71% of respondents registered for services indicated that they had already participated in an awareness-raising and/or training event about IMI, most of them at national level.

Up until now, the Commission has supported Member States in their training and awareness-raising activities in a number of ways, namely by:

(1)   organising regular training sessions for NIMICs and other IMI coordinators in Brussels, on the basis of a "train the trainers" concept;[9]

(2)   providing assistance in the organisation of national training and awareness-raising events;[10]

(3)   making available an IMI training system as a tool to familiarise end-users with IMI;

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[9]   During the services pilot project, the Commission organised three one-day sessions for coordinators catering for around 60 participants each.

[10]   Assistance was provided on request and subject to availability, ranging from advice on developing the course to Commission staff acting as trainers. Priority was given to Member States with large user groups. During the pilot project, the Commission provided assistance to Germany, Spain, Cyprus and Denmark.

(4)   producing a range of training materials, including a comprehensive user handbook, a handbook on IMI and the Services Directive, interactive eLearning modules explaining important specific IMI functions and standard Powerpoint presentations;[11]

(5)   distributing promotional material such as an IMI brochure and small promotional items;

(6)   maintaining and developing a multilingual website; and

(7)   providing ongoing assistance to IMI coordinators through a central IMI helpdesk.

Also, to mark the launch of the pilot project for IMI and the Services Directive, the Commission held a large-scale conference in Brussels on 25 February 2009, bringing together nearly 400 representatives of national, regional and local administrations from throughout the EU.

At Member State level, training and awareness-raising efforts differ enormously. Whereas some Member States systematically organise training on a large scale, some others have organised hardly any training so far.[12]

2.3.   Exchanges of officials

No formalised exchanges of officials in charge of administrative cooperation have taken place so far.

However, the regular training events for NIMICs and other IMI coordinators that the Commission organises in Brussels provide a forum for participants to share experiences and good practices. The Commission has encouraged this by setting time aside for group discussions on points that are of interest to all.

3.   NEEDS ASSESSMENT

3.1.   Gathering information about the needs of users and coordinators

The data that underpins this assessment has been drawn from a number of different sources, in order to allow for cross-checks of the reliability and validity of the data.

3.1.1. Ongoing data collection in IMI and through trainer feedback forms

Authorities that have participated in an information exchange in IMI are automatically sent an electronic feedback form, in which they can report their experiences of using the

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[11]   All of these materials are available in the section "Training on IMI" of the IMI website at http://ec.europa.eu/internal_market/imi-net.

[12]   Member States are under no obligation to inform the Commission about their activities in this respect. On a voluntary basis, the Commission was informed about a total of 93 training and awareness raising events between March and October 2009, 37 out of which were organised in Germany.

system. This form includes questions about the usability of IMI. At the time of writing, 106 users had given their feedback after using IMI for services.[13]

The Commission has also made a feedback form (in Word format) available to Member States, with which trainers at national or regional events can communicate their experiences to the Commission. 22 trainers have made use of this opportunity so far.

3.1.2. *Survey amongst all authorities registered in IMI*

Between 6 July and 21 August 2009, all authorities registered in IMI were invited to participate in an electronic survey about their training needs in relation to using IMI ("the authority survey"[14]). 378 replies from authorities registered for services were received (out of about 900 registered in that period), making for a very good return rate that can be interpreted as a sign of considerable interest in the questions asked on the part of competent authorities.

3.1.3. *Detailed feedback from IMI coordinators*

On 17 June 2009, during one of the regular training sessions organised by the Commission in Brussels, IMI coordinators took part in a workshop with group discussions about their experience with training so far and their needs for the future ("the training workshop"[15]). 47 coordinators participated in this training session.

Coordinators were then also given the opportunity to comment in more detail on these issues in a paper-based survey that ran from 10 July to 15 September 2009 ("the coordinator survey"[16]). Replies were received from 51 coordinators from 26 countries.

3.1.4. *Exchanges of officials organised by the Commission in other policy areas*

Given that there have so far not been any formalised exchanges of officials in charge of implementing administrative cooperation under the Services Directive, information was gathered on exchange programmes organised and/or financed by the Commission in other policy areas.

Informal meetings were organised with Commission officials from the Directorates-General concerned in order to learn from their experiences with such programmes.

3.2.   Analysis of the results

On the basis of all the information gathered, eight main conclusions can be drawn.

3.2.1. *IMI is user-friendly, but training remains necessary.*

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[13]   During the pilot project, competent authorities can exchange information about either fictional or real cases falling within the scope of the Services Directive. 97% of exchanges concerned fictional cases.

[14]   For an overview of all results of this survey, see Annex I.

[15]   For a summary of the results of the group discussions, see Annex II.

[16]   A synthesis of the results is shown in Annex III.

A large majority of users of the IMI services module who responded to the authority survey find IMI easy to use.[17] Similarly positive reactions were registered for the statements "I was able to carry out all the tasks that I had to complete in IMI without any problems" and "The legal obligations under the Directive are easy to put into practice using IMI". This encouraging result is confirmed by feedback received from participants in training courses[18] and from users who participated in an information exchange through IMI: 52% of the latter found IMI very intuitive and easy to use, 42% found it quite easy to use, but would consider some training and guidance useful. Only 6% did not find IMI easy to use.

When asked directly which type of training, if any, was essential for successful administrative cooperation, only 6% of respondents to the authority survey replied that no training at all was necessary.

3.2.2. *Training in legal and practical implications of the Services Directive is more challenging than training in how to use IMI from a technical point of view.*

The three areas in which respondents to the authority survey consider that training is most essential for successful administrative cooperation are: understanding the practical implications of the Directive (75%), understanding the legal obligations under the Directive (70%) and how to use IMI from a technical point of view (67%).[19]

This is mirrored in the replies from coordinators who were asked where they see the main challenges for competent authorities in using IMI for services. Most frequently named as the biggest challenges were: dealing with differences in rules and administrative structures in other countries, understanding the legal changes introduced by the Services Directive and understanding the practical implications of the Services Directive for their work.[20]

The coordinators who participated in the training workshop concluded that there is a need for training both at a technical and at a content level. However, in their opinion, technical training is mainly needed when users first join the system in order to overcome reluctance to use a new computer system. In the view of a number of participants, content is much more of an issue for training, as competent authorities often lack information about the expected impact of the Services Directive on their work.

3.2.3. *General language and computer training is offered as part of on-the-job training and is not essential for administrative cooperation.*

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[17] 27% completely agree with the statement "IMI is easy to use", 48% agree somewhat, 9% disagree somewhat and 2% disagree completely.

[18] Feedback given personally to Commission representatives where they were present at training sessions in the Member States and feedback given to the trainers who filled in the trainer feedback form provided by the Commission. 19 out of 22 trainers reported that their trainees either completely or somewhat agreed with the statement: "IMI is easy to use."

[19] The question allowed for multiple replies. 45% of respondents found training in how to respect data protection rules when using IMI essential, 18% found language training essential and 9% general computer training.

[20] Coordinators were asked to rank a number of possible challenges on a scale from 1 to 10. The three fields mentioned here were included in the "top 3" by 27, 24 and 24 coordinators respectively.

Relatively few respondents to the authority survey feel that language training and/or general computer training are essential for successful administrative cooperation (18% language training, 9% general computer training).

According to information provided by IMI coordinators, such general language and computer training is in many Member States part of the on-the-job training to which officials either have access on a regular basis or if and when they need to address specific job-related requirements. However, a relatively large minority of coordinators (20 out of 51) feel that there is a need for more computer and language courses for officials in charge of implementing mutual assistance in their country.

3.2.4. *Users like to be trained locally.*

In the authority survey, IMI users were asked to name the three most appropriate forms of learning about administrative cooperation and IMI. Four possible replies received about the same amount of assent: Short informal sessions with an experienced colleague in the respondent's own authority (51%), self-learning with support material (50%), training at regional level (47%) and training at national level (46%). Only 20% of respondents feel that centralised training at EU level is one of the most appropriate forms of learning.

Respondents to the coordinator survey gave similar replies, except that only nine out of 51 coordinators felt that training sessions organised locally would be appropriate. This may be explained by the fact that, at the moment, many competent authorities are new to the system, which means that there is often no experienced colleague able to hold an informal training session, and it is of course unrealistic for IMI coordinators especially in large Member States to provide individual training locally. However, participants of the training workshop confirmed that small events are preferable to larger ones as they result in more interaction with the participants and less stress for the trainer.

More coordinators than users also find awareness-raising events and training sessions organised centrally by the Commission appropriate. Participants of the training workshop pointed out that the large-scale conference organised by the Commission in February 2009 convinced many representatives of competent authorities of the importance and usefulness of IMI and created considerable momentum in implementing it at home.

3.2.5. *The availability of trainers with the right skills is more of a concern than training costs.*

The number of persons who are involved in organising training on IMI and the Services Directive varies widely between Member States.[21] Additionally, in many cases only a very small amount of their total working time is allocated to this task. This is a big concern to a number of coordinators. Nine out of 51 respondents to the coordinator survey think that they need a lot more human resources; 10 think they need a little more.

As regards training costs, most coordinators who replied to the survey stated that they do not have any funding for training on IMI and the Services Directive. 20 coordinators out of 51 feel that they need additional funding. However, according to the participants of

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[21] The average number of persons is three, whereby the numbers ranged from 0 to 20.

the training workshop, training costs are actually not a big issue in most Member States as trainers can use their own resources and participants can cover their own costs.

For some coordinators, insufficient human resources also mean that there is insufficient expertise in how to organise and conduct training sessions. A number of respondents to the coordinator survey indicated that it is difficult for them to decide whom to invite to training sessions. Others struggled with convincing reluctant competent authorities to attend or with handling widely varying levels of prior knowledge. Several coordinators stated that they did not have any experience or skills in training.

Lack of support from the hierarchy was also frequently mentioned as a big difficulty in raising awareness and organising training.

3.2.6. The support material produced by the Commission is much appreciated, but not known well enough.

Among those respondents to the authority survey who have used training and support material produced by the Commission, all of these materials receive very good marks for usefulness. Of those who have used the IMI user handbook (containing a comprehensive description of all IMI functions), 92% find it either very useful or quite useful. 89% consider the IMI website to be useful. The eLearning modules about individual IMI functions are seen as useful by 86%. 92% of respondents who have already used the new guide to IMI and the Services Directive find it either very or quite useful.

However, it is disappointing to see that a large number of respondents, most of whom have already participated in a training or awareness-raising event, have never used these materials. Whereas it is understandable that 30% of respondents have never used the new guide to IMI and the Services Directive, it is difficult to see why 23% have never used the user handbook. Given that both users and coordinators emphasised that self-learning is an appropriate form of learning about administrative cooperation and IMI, it is also disappointing to see that 60% of users have never used the eLearning modules that were produced by the Commission exactly for the purpose of self-learning.

It is somewhat surprising that even a significant number of coordinators state that they never or only rarely use the eLearning modules for training purposes, whereas most of them use the user handbook and the Commission's website very often.

Opinions about the IMI training system that allows trainers to simulate information exchanges and set exercises in a safe environment differ among coordinators. Some use it very often and find it very useful. Others do not use it at all, frequent reasons being, according to coordinators who participated in the training workshop, the lack of meaningful data in the training system and the fact that it is time-consuming to prepare exercises in it.

3.2.7. The main responsibility for training now lies with Member States, but the Commission should play a role as well.

Amongst the participants of the training workshop, a broad consensus emerged that the Commission had already provided a lot of valuable assistance and that, with the implementation date of the Services Directive approaching rapidly, it was now the coordinators' turn to take action in their Member States. When asked how they intend to address the main challenges for competent authorities (see point 3.2.2), a large majority of respondents to the coordinator survey stated that they plan to organise training and

information events that will focus on the most challenging points. A number of them also plan to send regular newsletters and/or to provide individual assistance, by setting up a helpdesk or creating a web-based forum for IMI users.

Some coordinators feel that it will be most useful to train competent authorities only as of 2010, once they are legally obliged to cooperate. However, concern was expressed by some as to whether they would be provided with appropriate human and financial resources after the implementation has been finalised.

Whilst coordinators accept their responsibility in raising awareness and training IMI users in their countries, a majority of them (29 out of 51 coordinators) see a role for the Commission in the areas they identified as the most challenging. The main requests that were made in this respect were the following:

(1)   More and faster translations of all material;

(2)   Improve the IMI system itself (decrease system response time, enhance search function for identifying competent authorities in other Member States);

(3)   Produce some shorter and targeted support material (e.g. Frequently Asked Questions on the IMI website);

(4)   Give a clearer overview of available material;

(5)   Collect "success stories" from users who had good experiences using IMI;

(6)   Raise awareness with media/the general public.

3.2.8.   Exchanges of officials could add significant value.

A majority of respondents to the authority survey think that it would add significant value to meet officials from other countries who work with IMI in order to exchange experiences (64%). A majority of these consider that such meetings should best be organised in the form of regional training events with participants from different countries (52%). Many also supported the idea of smaller scale conferences for geographical regions (46%) and short-term visits in authorities in different countries (45% - multiple replies allowed).

On the coordinators' side, there are concrete plans to organise exchanges of officials in two Member States. Coordinators from three further countries stated that they might organise exchanges in the future. However, obtaining sufficient funding and overcoming language barriers are seen as problematic in this context. One coordinator stated that they would organise exchanges only if they were supported by the Commission.

During the training workshop, the idea of organising exchanges and/or cross-border events met with a positive reaction. However, some participants expressed the feeling that it was premature to consider such activities.

Experience from exchange programmes organised and/or financed by the Commission in other policy areas appears to have been positive throughout. According to officials involved in the running of such programmes, the programme set-up requires a significant investment both in financial terms and in terms of staff time. However, once the programme is established, it can generally run at a relatively small scale with low

maintenance costs. According to the officials, feedback from participants was consistently positive, with many of them reporting to the Commission that the exchange had helped them come up with good ideas to implement in their own country. Some drawbacks included the fact that, due to language barriers, many participants chose to visit neighbouring countries with which their Member State communicates well anyway, and that, for prestige reasons, high-ranking officials took part who would not be involved in the practical application of what they learned abroad. A recurring recommendation therefore was to define the purpose and target group of the exchanges very precisely before starting a programme.

4. OBJECTIVES

The objectives to be achieved need to be defined in the context of higher-ranking objectives that all derive from the Services Directive. The broadest objective, that of the Services Directive itself, is to make it easier for businesses and consumers to take full advantage of the freedom of establishment and of the freedom to provide services across borders. Then, the objective of the provisions on administrative cooperation within the Services Directive is to avoid a multiplication of controls and to ensure effective supervision of service providers. The objective of IMI is to provide an efficient and secure technical tool that supports administrative cooperation. This leaves the objective of the measures to be taken on the basis of this assessment, which should be to ensure that the users of IMI have the necessary knowledge and skills to be able to use the system effectively.

The needs assessment has shown that, in order to achieve this last objective, (1) training is necessary, (2) appropriate support material is useful and (3) exchanges of officials could be useful. In relation to all three of these means, further objectives can be identified.

4.1. Training

One objective should be to organise training close to the user, where this is possible. However, large scale events at European level are seen as helpful as well and could therefore be organised in parallel to local training. For all training activity, the Commission's aim should be to ensure that training is provided as consistently as possible throughout the EU.

In the provision of training, IMI coordinators play a crucial role. Therefore, one important objective for the Commission should be to support coordinators in a way that ensures that they can in turn train users more effectively. In the context of this support, it appears to be more important to address staff shortages than any financial concerns.

In terms of the content of the training, the needs assessment has shown that users and coordinators consider the main training needs to be, apart from technical training to help them get started in IMI, understanding the legal and practical implications of the Services Directive on the users' daily work. However, one has to bear in mind that the surveys amongst users and coordinators were carried out at a time when, in many Member States, national legislation to implement the Services Directive had not yet been adopted and/or training on legal issues had not yet been provided. Therefore, it is not unlikely that the needs in terms of the content of training will change over time. It would thus appear premature to define objectives concerning the content of training at this stage.

4.2. Support material

One clear objective in the provision of support material should be that it is adapted to the needs of users and trainers. As far as can be seen from the needs assessment, this is already the case to a large extent. A more pressing objective is therefore to make the available material better known and more used. This is true in particular for the self-learning material.

4.3. Exchanges of officials

IMI users consider that it could add significant value to meet officials from other countries who work with IMI in order to exchange experience. Therefore, another objective to be achieved should be to promote and support exchanges of officials.

4.4. General considerations

Any measures that are adopted have to be cost-effective and proportionate to the needs identified. Their impact on the workload of Commission staff needs to be taken into account as well.

5. AVAILABLE POLICY OPTIONS

5.1. Maintain the status quo

The policy option that would be easiest to implement for the Commission is, naturally, to continue providing assistance to Member States in exactly the same way as to date. The Commission has gathered considerable experience in these activities which, as all information sources indicate, meet with high levels of satisfaction. Choosing to continue working in this way would imply no additional costs or impact on staff.

On the other hand, coordinators would continue to face the difficulties with organising training and raising awareness in their country that are described in point 3.2.5. They would have to find solutions for staff shortage and, in some countries, financial concerns at national level. There would also be no European framework for those Member States that are going to, or would like to, organise exchanges of officials.

5.2. Adapt and extend current approach

A second option could be to develop the Commission's current approach to training and awareness-raising by adapting it to emerging needs or preferences communicated by Member States. For example, even with the financial and staff resources currently at the Commission's disposal, it would be possible to support Member States that decide to organise a conference with participants from several countries, by providing advice in organisational matters, by helping in the production of conference material and/or by sending speakers.

If some Member States would like to organise exchanges, the Commission could establish contacts between them and help in pairing up interested candidates. On the basis of the information gathered about existing European exchange programmes, the Commission could also give advice on the organisational set-up of exchanges.

In terms of training, the Commission could offer targeted training events according to the needs identified by Member States, for example for individual service sectors or specific IMI functions.

As regards support material, the Commission could further develop and adapt the available material, for example by making it accessible in a user-friendly form through the IMI system itself.

Based on the wishes voiced by some coordinators, the Commission could also assign a higher priority to the issues that were raised, such as translation of material (within the limits of the Commission's restricted resources) and system development.

However, any such requests would have to remain within the allocated resources.

5.3.   Set up a multi-annual programme

Running a multi-annual programme would allow for a sharp increase in the scale of training and awareness-raising activities. There are various ways of setting up such a programme. They could include, to name only a few examples, systematic training in all Member States provided by external specialists, professional assistance in organising cross-border conferences and/or a centralised system to plan and run exchanges of officials.

It is clear that such a programme would make it possible to reach many more IMI users much more effectively than at present. It could help to ensure that all users receive the same standard of training and it could professionalise awareness-raising activities. Additionally, it could contribute to solving the staff and financial concerns that some coordinators are facing and would relieve them from some tasks for which they have not been trained. Moreover, the mere existence of such a programme would be likely to raise awareness also within the officials' hierarchies, which could undoubtedly have a positive impact on the overall implementation of administrative cooperation.

Since users and coordinators consider that the main training needs, apart from technical training to get started in IMI, lie in understanding the legal and practical implications of the Services Directive, a possible programme could be devised accordingly. General computer and language training, which are generally not perceived as essential for administrative cooperation, would not need to be comprised in a programme. However, as explained under point 4.1, the needs in terms of the content of the training may well change over time.

The costs of a multi-annual programme to the EU budget would depend very largely on the scope and ambition of such a programme. Whereas, for example, exchanges between officials in border regions could be organised at relatively low cost, the organisation of systematic training by external specialists throughout the EU would require substantial financial resources. Similarly, the impact on the Commission's human resources would depend on the chosen programme content and on how much of its organisation could be delegated to external partners.

However, the information received from coordinators raises the question whether now is the appropriate moment for setting up a programme. Many coordinators are only just starting to organise training and awareness-raising activities in their Member States. They stated that the Commission had already provided substantial assistance and that it was now up to them to make use of it. Moreover, all of the requests that have been

voiced by coordinators for additional action on the part of the Commission are of a relatively small-scale and practical nature. None of the actions that were called for would require a fully-fledged programme.

5.4. Comparison of options

The findings of the preceding analysis are presented in the table below, the criteria being defined as follows:

- Effectiveness = degree to which the objectives are met

- Costs = necessary input in terms of financial and human resources

- Time = time needed for implementation

	Effectiveness High (+++) Medium (+/-) Low (---)	Costs Low (+ to +++) High (- to ---)	Time Short (+++) Medium (+/-) Long (---)	Overall assessment (Proportionality) Positive (+ to +++) Negative (- to ---)
Option 1: Status quo	+/-	+/-	+/-	+/-
Option 2: Adapt and extend current approach	+	-	+/-	+
Option 3: Multi-annual programme	+++	---	--	--

In this table, the status quo (continuing to provide assistance to Member States exactly like up to date) is set as a base line, with all criteria being fulfilled to an intermediate degree.

Adapting and extending the Commission's current approach could be more effective than the status quo in meeting the needs identified. It can be implemented quickly and relatively easily. It would naturally not be as effective as a multi-annual programme in reaching large numbers of new and existing IMI users in a consistent manner throughout the EU and it would not solve some of the coordinators' problems described under point 3.2.5. However, it would allow for a high level of flexibility in respect of the needs that are starting to develop in the Member States, whilst not precluding the adoption of a more resource intensive solution at a later stage.

In comparison with this base-line situation, a multi-annual programme would score much more highly in effectiveness, i.e. it would fulfil the objective of ensuring that all IMI

users have the necessary knowledge and skills to use IMI better, albeit only once he medium- and long-term needs in respect of the content of the training can be assessed reliably. On the other hand, a multi-annual programme would be significantly more cost-intensive. The real impact in terms of financial and human resources cannot be quantified exactly as it depends to a large extent on the measures that would make up such a programme. Setting up a multi-annual programme would in any event require a lot of preparation time and would be relatively complex to implement. On the basis of the feedback received from users and coordinators, it appears that a multi-annual programme would not be proportionate to the needs identified at this stage.

6. CONCLUSION

The overall results of the assessment suggest that there is currently no need to adopt a multi-annual programme for training and exchanges of officials. Such a programme would be premature, at a point in time when cooperation under the Services Directive has only just become mandatory and operational. The Commission and coordinators need to gain more experience in order to be able to identify the medium- and long-term needs for training and, potentially, exchanges of officials.

In the meantime, the Commission will continue its current efforts in supporting Member States in raising awareness for administrative cooperation and in training IMI users, which have been very successful so far. However, it proposes to adapt and extend them in a flexible manner as and when it receives corresponding requests from Member States (option 2). On the part of the Member States, and in particular IMI coordinators, this requires that they take seriously their crucial role in raising awareness and in training officials, by making use of the Commission's support and by allocating sufficient financial and human resources to these tasks.

The Commission will continue to monitor developments in the Member States closely and will re-assess the necessity to adopt a multi-annual programme on the basis of the experience that will be gathered during the first year of mandatory use of the IMI module for services.

7. FOLLOW-UP: ARRANGEMENTS FOR MONITORING AND EVALUATION

Developments in the Member States will be monitored through a number of mechanisms:

(1)   Ongoing feedback from users who have participated in an information exchange through IMI, by way of an electronic survey about IMI usability and potential difficulties encountered;

(2)   Feedback from trainers through trainer feedback form;

(3)   Feedback from IMI coordinators during regular training sessions in Brussels, during meetings of the IMI experts' working group and through direct contact with the IMI helpdesk.

The Commission will report on the situation in the IMI Annual Report for 2010 (which is planned to be published in February 2011) in the light of the following two factors:

– the growth of IMI for services in terms of the number of registered authorities and users (growth rates are currently impossible to predict, see point 2.1);

– the frequency with which IMI is used following the implementation of the Services Directive in the Member States, measured e.g. in the number of information exchanges.

On this basis the Commission and IMI coordinators will be in a position to evaluate the real need and demand for training and exchanges of officials. The Commission will transmit necessary statistical information to Member States on a regular basis, in order to allow them to provide their input for the annual report.

ANNEX I: RESULTS OF SURVEY AMONGST ALL AUTHORITIES REGISTERED IN IMI FOR THE SERVICES MODULE

ABOUT YOU AND YOUR AUTHORITY

Please provide us with some information about your authority.

Country

	Number of responses	%
Czech Republic	71	(18.8%)
Netherlands	61	(16.1%)
Spain	52	(13.8%)
Germany	35	(9.3%)
Hungary	24	(6.3%)
Austria	19	(5%)
Greece	12	(3.2%)
Poland	11	(2.9%)
United Kingdom	11	(2.9%)
Sweden	8	(2.1%)
France	7	(1.9%)
Italy	7	(1.9%)
Bulgaria	6	(1.6%)
Cyprus	6	(1.6%)
Romania	6	(1.6%)
Estonia	5	(1.3%)
Lithuania	5	(1.3%)
Malta	5	(1.3%)
Ireland	4	(1.1%)
Slovakia	4	(1.1%)
Slovenia	4	(1.1%)
Belgium	3	(0.8%)
Denmark	3	(0.8%)
Latvia	3	(0.8%)
Portugal	3	(0.8%)
Finland	1	(0.3%)
Iceland	1	(0.3%)
Luxembourg	1	(0.3%)
Liechtenstein	0	(0%)
Norway	0	(0%)

Level (geographical coverage)

	Number of responses	%
National	176	(46.6%)
Local	104	(27.5%)
Regional	98	(25.9%)

What is your authority's role in IMI?

	Number of responses	%
Competent Authority	238	(63%)
Delegated IMI coordinator (DIMIC)	54	(14.3%)

Don't know	40	(10.6%)
National IMI coordinator (NIMIC)	26	(6.9%)
Super-delegated IMI coordinator (SDIMIC)	20	(5.3%)

ABOUT USING IMI

Have you logged in to IMI so far?

	Number of responses	%
Yes	323	(85.4%)
No	55	(14.6%)

[If yes] In which way have you used IMI? (multiple replies allowed)

	Number of responses	%
I have carried out administrative work in IMI (such as: update your authority's data, register new user, reset passwords).	173	(53.6%)
I have logged in and looked at the system, but never actively used it.	125	(38.7%)
I have used IMI to exchange information with an authority in another Member State.	119	(36.8%)
(only for coordinators) I have worked on the set-up and/or management of authorities I coordinate in IMI (such as: register new authorities, follow your authorities' information exchanges, intervene in case of problems).	63	(19.5%)

Please describe the impressions you had when you used IMI.

IMI is easy to use.

	Number of responses	%
Agree somewhat	181	(56%)
Agree completely	100	(31%)
Disagree somewhat	35	(10.8%)
Disagree completely	7	(2.2%)

I was able to carry out all the tasks that I had to complete in IMI without any problems.

	Number of responses	%
Agree somewhat	158	(48.9%)
Agree completely	96	(29.7%)
Disagree somewhat	62	(19.2%)
Disagree completely	7	(2.2%)

The legal obligations under the Directive(s) are easy to put in practice using IMI.

	Number of responses	%
Agree somewhat	193	(59.8%)
Disagree somewhat	66	(20.4%)
Agree completely	56	(17.3%)
Disagree completely	8	(2.5%)

If I have a question or a problem with the Directive(s) and/or using IMI, I know whom to

contact for advice.		
	Number of responses	%
Agree completely	188	(58.2%)
Agree somewhat	100	(31%)
Disagree somewhat	29	(9%)
Disagree completely	6	(1.9%)

ABOUT TRAINING ON IMI

The Commission and Member States have already organised a number of training and awareness raising events. Have you taken part in any of these events?

	Number of responses	%
Yes	267	(70.6%)
No	111	(29.4%)

[If yes] Please specify in which of these events you have taken part.

General awareness raising event (multiple replies allowed)

	Number of responses	%
National level	119	(44.6%)
EU level	72	(27%)
None	54	(20.2%)
Regional level	43	(16.1%)
Local level	21	(7.9%)

Training event (multiple replies allowed)

	Number of responses	%
National level	163	(61%)
EU level	50	(18.7%)
None	33	(12.4%)
Regional level	28	(10.5%)
Local level	23	(8.6%)

Exchange of officials (multiple replies allowed)

	Number of responses	%
None	236	(88.4%)
National level	16	(6%)
Regional level	12	(4.5%)
EU level	5	(1.9%)
Local level	3	(1.1%)

The Commission and Member States have developed a range of support material for IMI users (see the IMI website at ec.europa.eu/internal_market/imi-net). Please rate the usefulness of those items that you have used.

IMI User Handbook

	Number of responses	%
Quite useful	147	(38.9%)
Very useful	124	(32.8%)

Never used	85	(22.5%)
Not so useful	17	(4.5%)
Not useful at all	5	(1.3%)

User Guide to IMI and the Services Directive

	Number of responses	%
Quite useful	153	(40.5%)
Never used	114	(30.2%)
Very useful	91	(24.1%)
Not so useful	15	(4%)
Not useful at all	5	(1.3%)

European Commission website

	Number of responses	%
Quite useful	146	(38.6%)
Never used	133	(35.2%)
Very useful	70	(18.5%)
Not so useful	28	(7.4%)
Not useful at all	1	(0.3%)

eLearning modules ("Captivate")

	Number of responses	%
Never used	224	(59.3%)
Quite useful	79	(20.9%)
Very useful	54	(14.3%)
Not so useful	21	(5.6%)
Not useful at all	0	(0%)

Powerpoint presentations

	Number of responses	%
Never used	175	(46.3%)
Quite useful	129	(34.1%)
Very useful	50	(13.2%)
Not so useful	24	(6.3%)
Not useful at all	0	(0%)

National material

	Number of responses	%
Never used	170	(45%)
Quite useful	130	(34.4%)
Very useful	63	(16.7%)
Not so useful	10	(2.6%)
Not useful at all	5	(1.3%)

In your opinion, which of the following types of training, if any, are essential for successful administrative cooperation? (multiple replies allowed)

	Number of responses	%

Understanding the practical implications of the Directive(s)	282	(74.6%)
Understanding the legal obligations under the Directive(s)	264	(69.8%)
How to use IMI from a technical point of view	254	(67.2%)
How to respect data protection rules when using IMI	171	(45.2%)
Language training	69	(18.3%)
General computer training	35	(9.3%)
No training is necessary	21	(5.6%)
Other	12	(3.2%)

What do you think are the most appropriate forms of learning about administrative cooperation and IMI? (multiple replies allowed)

	Number of responses	%
Short informal session with an experienced colleague in your own authority	193	(51.1%)
Self-learning with IMI User Handbook, eLearning modules ("Captivates") and other support material	190	(50.3%)
Training session at regional level	176	(46.6%)
Training session at national level	173	(45.8%)
Centralised training at EU level	75	(19.8%)
Other	9	(2.4%)

ABOUT MEETINGS AND EXCHANGES

Do you think if would add significant value to meet officials from other countries who work with IMI in order to exchange experience?

	Number of responses	%
Yes	240	(63.5%)
No	138	(36.5%)

[If yes] In which form should such meetings be organised in your opinion? (multiple replies allowed)

	Number of responses	%
Regional training events with participants from different countries	125	(52.1%)
Smaller scale conferences for geographical regions	111	(46.2%)
Short term visits in authorities in different countries	107	(44.6%)
Centralised training events	73	(30.4%)
Centralised large scale conferences	46	(19.2%)
Longer term exchanges of officials	37	(15.4%)

ANNEX II: SUMMARY OF RESULTS OF TRAINING WORKSHOP HELD ON 17 JUNE 2009

1. Training needs in relation to IMI and the Services Directive

- Participants felt that there is a need for training both on technical and content level.
- Feedback from competent authorities shows that IMI is seen as user-friendly. Technical training seems to be needed mainly at the beginning to overcome reluctance to use a new system.
- Participants from a number of Member States felt that training on content would be important, as competent authorities often need more information about the impact of the Services Directive on their work and about their obligations that derive from it.

2. Organisation of training in Member States

- Training organised in the Member States has been well received and successful.
- Commission training material is widely used and much appreciated.
- Mix of theory and practice in training sessions was seen as most effective.
- Small events were often more successful than big ones, resulting in more interaction and less stress for the trainer.

3. Resources

- In most Member States, *financial* resources for training are not perceived as a major problem.
- On the other hand, many participants feel they have insufficient *human* resources to manage training.

4. Typical problems

- It is difficult to reach the right audience (Should one invite people working on the technical or on the content side? Which level of hierarchy should participate?).
- Motivating authorities to participate in training, especially if geographically remote, is a challenge.
- Finding the right balance in length and content of training can be difficult as well (danger of overloading trainees).
- Staff shortage.
- Some participants reported a lack of interest and support from hierarchy.

5. Good practice

[not reproduced]

6. Ideas for Member State activity

- Exchanges of officials and regional events are generally perceived as good ideas, but as dependent on sufficient resources and on overcoming language barriers and logistic problems; some participants said it is premature to think about such activities.
- Data protection: Participants suggested building up regular contacts with an expert or data protection supervisor, to prepare simplified guidelines and to circulate them to competent authorities.
- Organising training right away after coordinators come back from Brussels ensures that the acquired skills are not lost.
- An idea could be to organise meetings focussing on a particular sector (eg tourism) and to work on fictional cases.
- One could also organise online training on a platform on which participants can exchange theoretical information and practise in the system; this seems to exist already in other areas.

7. Requests for Commission activity

- The general feeling seems to be that the Commission is already doing a lot (training help, publications and helpdesk) and that it is up to the Member States now to become active. However, a number of requests were mentioned:
- The Commission should translate more material into all languages.
- Some participants raised concerns about the training database: the data in it is not meaningful, the email function is switched off and it often performs poorly.
- The Commission should set up a fictional authority and send out fictional requests for training purposes.
- Another large awareness raising conference in Brussels would be very useful; it would be good to have a lot of competent authorities represented there.
- Many Member States are working on setting up an IMI helpdesk; it would be useful if the Commission could hold a training session on how to organise a helpdesk.
- The Commission could publish a diagram of the IMI structure in each country on the IMI website.
- Training on alerts and case-by-case derogations would be good.
- The Commission could give more information about experiences with professional qualifications and success stories, so that trainers can use them as examples.

General information

(1)   Please provide us with some information about your authority:

      Country: 51 replies received from 26 countries.

      Level: 36 national, 15 regional

(2)   What is your authority's role in IMI? 22 national IMI coordinators

                                   15 delegated IMI coordinators
                                   13 super-delegated IMI coordinators

Exchange of officials and training – where do we stand?

(3)   In your opinion, which are the most appropriate forms in which IMI users should learn about administrative cooperation and IMI? *(Please tick up to 3 options)*

      31   Self-learning on the basis of handbooks and support material

      20   Self-learning on the basis of eLearning modules ("Captivates")

      9   Training sessions organised locally

      23   Training sessions organised at regional level

      31   Training sessions organised at national level

      17   Awareness raising events and training sessions organised centrally by the Commission

      7   Exchanges of officials from different countries

(4)   Are there any programmes already in place in your country that have been established **irrespective of the requirements of the Services Directive**, but that could facilitate the training of officials and/or exchanges between officials for the purposes of the Directive?   Yes: 6, No: 32, n.a.: 13

    If yes, please specify: *[not reproduced]*

(5)   Are there any accompanying measures that have been taken in your country **specifically for the purposes of the Services Directive** so far or are such measures planned?

      13   No.

      0   Yes, to facilitate the exchange of officials.

      34   Yes, we have organised/plan to organise training and/or awareness raising events.

[sub-questions about detailed plans not reproduced]

(6)   If you organised training sessions, please indicate which subjects were covered: *[not reproduced]*

(7)   Do officials in charge of the implementation of mutual assistance in your country have access to general computer and/or language training?

Yes, to both: 15
Yes, to computer training: 6
Yes, to language training: 2
No: 13
Don't know: 1
n.a.: 4

If yes, please describe the organisation and accessibility of such courses (e.g. duration, intensity, number of available places, costs): *[not reproduced]*

Training – resources

(8)   For training that relates specifically to IMI and the Services Directive, please indicate the number of persons who are currently involved in providing such training and the amount of their working time they spend on this training:

Between 0 and 20 persons with roughly 0-100 % of their working time.

(9)   Do you think that these figures should be increased?

Yes, a lot: 9
Yes, a little: 10
No: 19
n.a.: 13

(10)   If training on IMI and the Services Directive has been provided in your country, how have these activities been financed so far?

    3   Specific funds were made available for the implementation of the Services Directive.

    5   Through existing national programmes for training of officials.

    16   No funding was available. The trainers used their own resources and participants covered their own costs.

    4   Other.

n.a.: 23

(11)   Do you feel that you need additional funding for training on IMI and the Services Directive?

Yes: 20

Training – practical experiences

(12) If you organised training sessions, please describe any difficulties you may have had: *(please tick all relevant boxes)*

7 I did not have any difficulties.

2 I was not sure which subjects to cover.

10 I hesitated about whom to invite to the training.

2 I felt that I did not have sufficient knowledge about IMI/the Services Directive to hold the training.

7 I have no experience or skills in training.

9 I did not have enough time to hold the training myself and could not find another trainer.

6 I did not have sufficient funding to organise the kind or number of training sessions I wanted to organise.

7 Other; please specify:

Reaching reluctant competent authorities 5

Handling different levels of understanding 2

(13) If you organised training, please indicate how often you used the following support material for training purposes (the material made available by the Commission can be found at http://ec.europa.eu/internal_market/imi-net):

	Very often	Often	Sometimes	Rarely	Never
IMI User Handbook	13	8	5	0	1
Guide to IMI and the Services Directive	5	9	5	1	7
IMI training database	13	3	2	4	4
European Commission website	10	8	7	3	1

eLearning modules ("Captivate")	6	4	4	4	8
Powerpoint presentations	11	5	4	4	2
National material	10	6	4	2	3

(14) Please rate the usefulness of this material:

	Very useful	Quite useful	Not so useful	Not useful at all	Never used
IMI User Handbook	24	13	1	0	0
Guide to IMI and the Services Directive	17	13	2	0	8
IMI training database	14	12	7	2	4
European Commission website	18	19	4	0	0
eLearning modules ("Captivate")	10	13	8	0	7
Powerpoint presentations	14	20	4	0	3
National material	15	12	4	0	5

(15) Is there anything about the material produced by the Commission which, in your opinion, should be **changed**?

No: 25
Yes: 19
- more and quicker translations: 8
- produce shorter/practical support material: 4
- improve performance of training database: 1

- improve search function: 1
- organise material better: 1
- provide example cases: 1

(16) Please describe any material which, in your opinion, would be useful to **add** to the range of support material provided by the Commission:

n.a.: 39

Yes: 11
- Frequently asked questions
- short targeted material (eg "Captivates" on specific function, targeted test questions)
- success stories
- information about administrative structures in Member States

Future needs

(17) What do you see as the main challenges for competent authorities in using IMI for the purposes of implementing the Services Directive? (*please rank the options below on a scale of 1 to 10, 10 being the biggest challenge and 1 the smallest*)

(number of respondents who ranked items in top 3)

24   Understanding the legal changes introduced by the Services Directive

24   Understanding the practical implications of the Services Directive for their work

17   How to identify the correct authority in another country

27   How to deal with differences in rules and administrative structures in other countries (for example when an authority asks for a type of authorisation through IMI that does not exist in the other country)

10   How to interpret the information provided through IMI

11   Overcoming initial reluctance to use a new computer system

4   How to use IMI from a technical point of view

6   Language problems

5   Data protection issues

2   Other

(18)   For the three aspects that you identified as the most challenging in question 17, please describe how you intend to support and train competent authorities: *[not reproduced]*

(19)   Do you think the Commission should play a role in these areas?

No: 12
Yes: 29

If yes, please explain what this role should be in your opinion:
-        Advice: 7
-        Improve system functionality: 7
-        Help in interpreting the Directive (eg example cases): 6
-        Produce support material: 4
-        Translations: 4
-        Training: 2
-        Large conference in Brussels: 2
-        Awareness raising with general public: 2
-        Formal letter to hierarchy: 2
-        Produce data protection report: 1
-        Organise exchanges and cross-border conferences: 1

(20)   In your view, is there a need for more computer and language courses for officials in charge of implementing mutual assistance in your country?

Yes: 20
No: 27

If yes, please describe how such courses should be organised: *[not reproduced]*

(21)   Are you planning any exchanges of officials?

Yes, concrete plans: 2
Yes, possibly: 3
No: 31
n.a.: 15

If yes, please specify: *[not reproduced]*

(22)   Any additional comments and suggestions:

[not reproduced]