

## **Points of single contact under the Services Directive**

### **What is Germany's implementation concept?**

For Germany, the “points of single contact” (PSC) represent crucial building blocks for simplifying procedures in the services sector throughout the EU and for fostering administrative structures that provide effective service. Therefore it is essential in our view that the structures being set up in all Member States

- respond to the individual needs of service providers,
- provide comprehensive coverage of the relevant administrative procedures and
- are both comprehensible and easily accessible.

#### **Points of single contact as intermediaries capable of catering to individual needs**

According to Germany's understanding, the PSCs are to serve as central contact points for service providers. To be sure, they themselves do not process the actual content of specific administrative procedures (unless, in specific cases, they happen to be the competent authority), and they do not ultimately inspect whether all necessary documentation has been submitted in full. However, as “intermediaries” (see recital 48 of the Services Directive), they are in direct contact with both the service provider and the relevant competent authority. In general, it must be possible to fully conduct all formalities and procedures necessary for access to and exercise of a service activity using a PSC. This involves not only the procedures necessary for access to a specific activity but also the procedures connected to the subsequent exercise and possible discontinuation of such activity. For the totality of these administrative procedures, the PSCs play a coordinating role between service providers and the competent authorities. This coordination includes receiving and forwarding (where appropriate, via electronic means) all correspondence pertaining to these administrative procedures (e.g. applications, documents, enquiries, declarations and notifications). This applies to correspondence directed to the competent authority as well as to correspondence directed to the service provider (where appropriate, through the service of documents). In addition, the PSCs must be able to keep service providers up to date on the current status of processing by respective competent authorities.

In order to perform this coordinating function effectively, PSCs must be able to enquire into, document and assess the specific situation of individual service providers who submit requests. In Germany's view, this cannot be achieved using a purely electronic approach in the sense of “virtual” institutions. Rather, even where procedures are conducted using electronic means, PSCs must be able to engage in genuine conversation and dialogue. This is particularly important for foreign service providers who frequently have questions that require individualised answers (e.g. relating to different foreign job descriptions and vocational backgrounds, special types and designations of foreign

companies, uncertainties regarding the recognition of documents in foreign languages, etc.). Reconciling national requirements with such foreign particularities can be difficult and therefore necessitates highly individualised assistance – and it is preferable that such assistance also be available in the form of a physical entity. It is not sufficient to provide an Internet portal geared toward the national “standard case”, and it is equally insufficient to provide online access to basic, general information that includes no coordination of subsequent procedural steps.

### **Comprehensive support**

The principle of a subjective “point of single contact” requires that a service provider's activity not be broken down into partial components and assigned to different contact points. Thus the PSCs must provide comprehensive coverage of all relevant administrative procedures. This includes procedures pertaining to the recognition of qualifications as well as to health legislation. Conversely, this does not include requirements that apply to “everyone”, i.e., requirements that do not specifically regulate or affect access to or exercise of a service activity but rather have to be respected by providers in the course of taking up or pursuing their economic activities in the same way as individuals acting in their private capacity (recital 9 of the Services Directive).

### **Comprehensible and easily accessible**

Due to the distribution of competences under the German constitution, the establishment of PSCs falls under the remit of the 16 federal *Länder*. Therefore, while it is possible that PSCs will take on different organisational forms in Germany, they will fulfil the same requirements under the Directive. Furthermore, we will ensure that all the *Länder* share a common basic understanding of the tasks that PSCs are to perform as well as their methods of operation (“uniformity of presentation despite a diversity of institutions”); we will also ensure that service providers can receive assistance across *Länder* borders.

In order to ensure that foreign service providers can easily navigate their way within Germany’s federal system, the German government intends to establish a central online portal that provides basic information as well as more detailed instructions to help providers locate the correct PSC (the information on this portal will also be available in English). If the first PSC contacted by a service provider turns out not to be competent for that particular case, that PSC is obligated to help the service provider locate the correct one. In this way, Germany’s system will also be comprehensible and easily accessible to those service providers who are unfamiliar with German structures.